



1865

## The Laws of Jamaica, 1864-65

Jamaica

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LAWS OF JAMAICA

1864-5



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# L A W S O F J A M A I C A ,

PASSED IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF

## Q U E E N V I C T O R I A .

OCT 17/91

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*Published under the direction of the Commissioners appointed by*  
59 GEO. III. Cap. XXIV.

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[The Acts comprising this Volume were passed in a Session of the Legislature, which commenced on the 1st November, 1864, and terminated on the 21st February, 1865, during the administration of his Excellency EDWARD JOHN EYRE, Esquire, Governor; being the third Annual Session after a Dissolution of the Honorable House of Assembly, in the Year 1863.]

THE PUBLISHER,



A  
T A B L E  
O F  
T H E P U B L I C A C T S :

CONTAINING

*The Titles of those passed in the Twenty-Eighth Year of the Reign  
of Queen Victoria.*

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[*Passed 22d December, 1864.*]

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THE

# LAWS OF JAMAICA.

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ANNO REGNI VICESIMO OCTAVO VICTORIÆ.

## C A P. I.

*An act to repeal the third section of the twenty-first  
Victoria, chapter twenty-six.*

**W**HEREAS it is necessary to repeal the third section of the twenty-first Victoria, chapter twenty-six: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,* That from and after the passing of this act the third section of the act twenty-first Victoria, chapter twenty-six, be, and the same is hereby repealed.

Preamble.

Sec. 3 of 21 Vic. cap.  
26, repealed (stamp on  
petitions.)

## C A P. II.

*An act to repeal and amend so much of the twenty-second  
Victoria, chapter eighteen, as imposes a stamp duty of  
ten shillings on the right to vote, in certain cases.*

**W**HEREAS it is necessary to amend the present election law in certain respects: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,*

Preamble.

*First*—That the act of the twenty-second Victoria, chapter eighteen, shall be amended in the respects following:

22 Vic. cap. 18, amended.



£6 freeholder, paying  
20s. taxes per annum,  
relieved of the stamp  
duty on claim to vote.

Taxpayer paying 20s.  
taxes per annum, and  
upwards, also relieved  
of stamp duty on claim  
to vote.

Collector of dues to  
make out list of tax-  
payers,

and to deliver same to  
clerk of vestry,

who shall register  
same in list of voters.

Claim to vote may be  
preferred by attorney  
or agent, &c.

The right to vote to be  
exercised only in the  
parish in which the  
qualification exists.

Forms in schedule C  
of former act shall be  
adapted to this act.

First.—Each freeholder, whose land is of the actual annual value of six pounds, and who shall, on or before the thirtieth day of September preceding the year for which he claims to vote, pay taxes to the extent of twenty shillings *per annum*, shall be relieved from the payment of the stamp duty of ten shillings, imposed by the twenty-second Victoria, chapter eighteen, on his claim to vote.

Second.—Each taxpayer, to the extent of thirty shillings and upwards, who shall have paid his taxes on or before the thirtieth day of September in each year, shall be entitled, *ipso facto*, to be registered as a voter, and to exercise the right of voting at any election in the parish in which such taxes shall have been paid for the then succeeding year, without preferring or tendering any claim to vote under the provisions of the said twenty-second Victoria, chapter eighteen; and each collector of dues shall, on the first day of October in each year, or within five days thereafter, make out an alphabetical list, in duplicate, of all persons who shall have paid into his office taxes to the extent aforesaid, up to the preceding thirtieth day of September; and he shall also, on the said first day of October, or within five days thereafter, subscribe and swear to the truth of such lists, and shall deliver one of such lists, so subscribed and sworn to as aforesaid, to the clerk of the vestry of the parish, who shall thereupon transfer to, and insert in the register of voters of the parish, the name of every such taxpayer, and the other of such lists shall be affixed to the outer door of the court-house of each parish.

Second.—That the claim to vote may be preferred by attorney or agent, in the absence from the island of the voter, but the right of vote shall only be exercised in person, and the forms prescribed by the twenty-second Victoria, chapter eighteen, may be adapted to such case.

Third.—That the claim to be registered, and the right to vote, shall be exercised in the parish only where the land or premises in which the right claimed is situate, or where the other personal qualification of rent, tenancy, salary, taxes, or deposits of money are respectively existing, arising, payable, or invested.

Fourth.—That the forms given in schedule C of the said act, for claims to vote on freehold, and payment of taxes, shall be adopted [adapted] for the purposes of this act, in respect of any exemption from the stamp of ten shillings on the claim to vote on freehold.

*Fifth*—That so much of the twenty-second Victoria, chapter eighteen, as is repugnant to the provisions of this act, is hereby repealed, without prejudice to any right now existing under the said act.

So much of 22 Vic. cap. 18, as is repugnant to this act, repealed, &c.

## C A P. III.

*An act to reduce the annual payments by employers of liberated Africans, and for other purposes.*

**W**HEREAS it is expedient to reduce the annual payments now by law required to be made by employers of liberated Africans: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Preamble.

*First*—Employers of liberated Africans already indentured, or to be indentured, shall pay for their services at the respective annual rate of twenty shillings, and ten shillings, in lieu of the rates of thirty shillings and fifteen shillings in the several cases where such last-mentioned respective rates are now by law made payable; and payment of the reduced rates or charges by this act authorized shall be made in half-yearly instalments during the continuance of the respective indentures already or hereafter to be entered into.

20s. and 10s. in half yearly payments to be made for indentured Africans, in lieu of 30s. and 15s.

*Second*—The first of such payments, in the case of every liberated African already indentured, shall be made six months after the termination of the current year of service under his indenture; and in the case of every liberated African, to be hereafter indentured, shall be made six months after the date of his indenture.

The first payment to be made six months after current year of service, &c.

*Third*—Every instalment of the charge or rate of payment by this act authorized shall, in case of default, from time to time be recovered by or with the like power, and by the like proceeding as the charge or rate by this act reduced was by law recoverable, except that the charge under this act shall not be payable or recoverable in advance.

Recovery of payment.

*Fourth*—The receiver-general shall, on the warrants of the governor, refund any excess of payments beyond the reduced rates under this act authorized, which may be made after the passing of this act, and prior to the coming into operation thereof.

Excess to be refunded.

*Fifth*—This act shall be read as incorporated with, or part of any other act in force relating to liberated Africans.

This act incorporated with others.



Act to be inoperative  
till royal assent pro-  
claimed.

*Sixth*—This act shall not come into operation until her majesty's royal assent thereto shall have been signified and proclaimed.

# C A P. IV.

*An act to repeal the twenty-third and twenty-fourth sections of the twenty-seventh Victoria, chapter thirty-three, entitled "An act to consolidate and amend the statute laws relating to larceny, and other similar offences," and to re-enact the same, with amendments.*

Preamble.

WHEREAS the stealing of growing produce and other products attached to, or growing on land, has become of so frequent an occurrence that it is expedient to amend the law, and to increase the punishment on offenders; for remedy whereof, *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

23d and 24th secs. of  
27th Vic. cap. 33, re-  
pealed.

*First*—From and after the passing of this act, the twenty-third and twenty-fourth sections of the act, made and passed in the twenty-seventh year of the reign of her present majesty, entitled "*An act to consolidate and amend the statute laws relating to larceny, and other similar offences,*" shall be, and the same are hereby repealed.

Stealing, or damaging  
with intent to steal,  
out of any provision  
ground, &c. plant ex-  
ceeding 10s. in value,  
declared felony, and  
punishable as simple  
larceny.

*Second*—Whosoever shall steal, or shall destroy or damage, with intent to steal, any tree, plant, root, fruit, or any other vegetable production, growing in any garden, orchard, provision ground, or cane, or coffee, or pimento field, the value whereof shall exceed ten shillings, every such offender shall be deemed guilty of felony, and, being convicted thereof, shall be liable to the same punishment as persons convicted of simple larceny.

Punishment where  
the value shall not ex-  
ceed 10s.

*Third*—Whosoever shall steal, or shall destroy or damage, with intent to steal, any tree, plant, root, fruit, or any other vegetable production, growing in any garden, orchard, provision ground, or cane, or coffee, or pimento field, the value whereof shall not exceed ten shillings, every such offender, on conviction before any two justices of the peace of the parish or precinct, shall be committed to the nearest district prison, or to the general penitentiary, there to be imprisoned and kept to hard labor, for any term not exceeding six calendar months; and if any person, so convicted, shall afterwards commit any of the offences in this section before-mentioned, shall be deemed guilty of felony, and, being convicted thereof, shall be liable to the same punishment as persons convicted of simple larceny.

Second offence deem-  
ed felony.

*Fourth*



*Fourth*—Whosoever shall steal, or shall destroy or damage, with intent to steal, any tree, plant, root, fruit, or any other vegetable production, used for the food of man or beast, or for medicine, or for distilling, or for dying, or for or in the course of any manufacture, growing on any land, open or enclosed, not being a garden, orchard, provision ground, or cane, coffee, or pimento field, every such offender shall, on conviction before any two justices of the peace of the parish or precinct, be committed to the nearest district prison or general penitentiary, there to be imprisoned and kept to hard labor for any term not exceeding two calendar months; and if any person, so convicted, shall afterwards commit any of the said offences in this section before-mentioned, he shall be deemed guilty of felony, and, being convicted thereof, shall be liable to the same punishment as persons convicted of simple larceny.

Also where the offence shall be for plant for the use of man or beast, &c.

Second offence deemed felony.

*Fifth*—That the power of commitment of any offender to the general penitentiary on a summary conviction, given by this act, shall be exercised only by the justices of peace for the several parishes, and for the precinct, who are so authorized by virtue of the proviso of the one hundred and third section of twenty-seventh Victoria, chapter thirty-three.

Exercise of power of commitment to general penitentiary on summary conviction.

*Sixth*—All prosecutions for any offence committed under this act, shall be deemed and taken to be public prosecutions.

Prosecutions under this act public.

## C A P. V.

*An act to amend the acts third Victoria, chapter eighteen, and the fourth Victoria, chapter forty-two, passed for the punishment of idle and disorderly persons, rogues, and vagabonds, and incorrigible rogues.*

**W**HEREAS by the first section of the third Victoria, chapter eighteen, it is among other things enacted, that every person, being able, wholly or in part, to maintain himself or herself, or his wife, or his or her children, or child, by work or other lawful means, and who shall willfully refuse or neglect so to do, and thereby become burthensome, or render his wife, or his or her children, or child, burthen-ome upon any parochial or other funds set apart for the relief of the poor, shall be deemed an idler and disorderly person, and shall suffer the punishment therein provided: *And whereas* by the fourth Victoria, chapter forty-two, section two, being an act to amend the said last-mentioned act, it is among other things enacted, that every person running away and leaving his wife, or his or her child or children chargeable, or whereby she or they, or any of them, shall

Preamble.

shall become chargeable to any parish, or any parochial or other fund set apart for the use of the poor, shall be deemed a rogue and vagabond, and shall suffer the punishment therein provided: *And whereas* cases are of frequent occurrence, where children are neglected or abandoned by their parents, and wives by their husbands, and left destitute or dependant on private charity for support, but who, nevertheless, do not become burthensome on any public or parochial fund, and it is necessary to make further and additional provision for the punishment of offenders in such cases: *Be it therefore enacted* as follows:

Sec. 1 of 3 Vic. cap. 18,  
and sec. 2 of 4 Vic. cap.  
42, repealed.

*First*—The said recited provisions of the said act are hereby repealed.

Person able to maintain his wife and children, refusing to do so, or abandoning or leaving them destitute, deemed a rogue and vagabond, and liable to punishment.

*Second*—Every person who, by work or other means, is able to maintain himself, and his wife and children, and who shall refuse or neglect so to do, and every person who shall wilfully abandon his wife or children, whereby in either case such wife or children shall be left destitute, or dependent for support upon public or private charity, shall be deemed to be a rogue and vagabond, and shall, on conviction before any two justices of the peace of the parish where the offence shall be committed, be, for the first offence, imprisoned, with or without hard labor, at the discretion of the justices, for a period not exceeding thirty days, and, for a second or any subsequent offence, for a period not exceeding three months.

Wife or husband's evidence admissible for or against each other.

*Third*—In any prosecution under this act the wife or the husband shall be at liberty to give evidence for or against each other.

## C A P. VI.

*An act to make better provision for the future election of trustees for Manning's free school, in the parish of Westmoreland.*

**B**E it enacted by the governor, legislative council, and assembly of this island:

Future trustees to be elected by persons on the electoral list.

*First*—That at any future election of any freeholder as a trustee for the free school, in the parish of Westmoreland, commonly known as "Manning's Free School," such trustee shall be elected by such persons as appear by the electoral list of the parish for the then current year, to be qualified to vote for the election of members of assembly for such parish.

Freeholder, whose title has been recorded

*Second*—That any freeholder, whose title has been duly recorded



ed prior to the passing of this act, shall be competent to vote at any election of any such trustee upon the production, to the returning officer at such election, of such recorded deed, or a copy thereof, duly certified by the island secretary.

prior to the passing of this act, competent to vote on certain conditions.

*Third*—That so much of the second section of the ninth George the third, chapter four, relating to Manning's free school, as provides that the five freeholders to be elected as trustees shall be elected by the freeholders of the said parish, is hereby repealed, without prejudice however to the validity of the election of any freeholder as a trustee, which may have taken place prior to the passing of this act.

Part of sec. 2 of 9 Geo. cap. 4. repealed, without prejudice to any election which has already taken place.

## C A P. VII.

*An act to continue in force, for a limited period, the acts of the eighteenth Victoria, chapter sixteen, and twenty-first Victoria, chapter twenty-one.*

ANNUAL

## C A P. VIII.

*An act to continue in force, for a limited period, "The Public Audit Act, 1857," (twenty-first Victoria, chapter one.)*

ANNUAL

## C A P. IX.

*An act for raising a tax by a duty on deeds, law proceedings, and other instruments, and on velum, parchment, and paper, ascertained by stamps, and applying the same to the public service.*

**B**E it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows, viz :

## SHORT TITLE.

*First*—This act may, for any purpose, be cited as "THE STAMP DUTY ACT, 1865."

Short title.

*Second*—There shall be raised, for the use of the government of this island, upon and in respect of the several instruments mentioned in the schedule hereunto annexed, the several duties therein respectively specified, from and after the passing of this act, where no date is given for the commencement of the duties, and from the several dates specified in other cases.

Duties in schedule to be raised on instruments mentioned therein.

*Third*

Receiver-general to provide adhesive stamps and dies, &c.

*Third*—It shall be the duty of the receiver-general to provide, at the public expense, from time to time, such quantity of adhesive stamps as may be necessary and requisite, and sufficient stamps or dies for denoting and impressing the several duties hereby imposed, and to employ a servant at a salary not exceeding in the whole the sum of thirty pounds *per annum*, to work the stamping presses, and to perform such other duties as may be required of him in the stamp office.

How adhesive stamps are to be made up and (with dies) kept and obtained, when required for sale or use.

*Fourth*—All adhesive stamps shall be made up into packets or parcels, and properly labelled by the commissioner of stamps, with the denomination and amount of stamps contained therein, and such adhesive stamps, together with the stamps or dies for impressing stamps (when the latter are not in use), shall be deposited and kept locked up in the stamp office chest, which chest shall have two locks of different construction, one of the keys of which shall always be kept by the receiver-general, and the other by the said commissioner of stamps, and such adhesive stamps shall be taken out of such chest at such times and in such quantities as may be necessary for the supply of persons applying to purchase the same, by the said commissioner, in the presence of the receiver-general, or his recognized clerk; and the stamps, or dies for impressing stamps, shall also, in every case, be taken out of such chest for use when required, and again be deposited therein, in the presence of the receiver-general, or his said clerk.

#### OFFICE DUTIES, AND SALARY, &c. OF COMMISSIONER OF STAMPS.

Commissioner of stamps to be appointed by governor,

his term of office, and duties,

his appointment to be recorded.

*Fifth*—The governor is hereby authorized and empowered, from time to time, under his hand and seal, to appoint a commissioner of stamps for the purposes of this act, who shall hold office (except as herein is provided) during the existence of this act; and the person who shall be so appointed shall attend daily at the receiver-general's office in Kingston (Sundays and holidays excepted), from the hour of nine o'clock in the morning until the hour of three o'clock in the afternoon, and he shall record his appointment in the secretary's office of this island, and make out, in writing, the following oath, which he shall subscribe and take before one of the judges of the supreme court, and lodge with the secretary of the executive committee; and in case any person, so appointed, shall presume to act as commissioner of stamps before he has recorded his appointment, and taken the oath as aforesaid, he shall forfeit and pay the sum of five hundred pounds

Oath of office to be taken by him.

*I, A. B. do swear, truly and faithfully to execute and perform the duties of commissioner of stamps under an act, entitled "The Stamp Duty Act, 1865," and that I will, without fear, favor,*



*favor, or affection, inform against any person who shall evade, or attempt to evade, any part of the said act, contrary to the true meaning and intent thereof.—So help me God.*

But it shall not be necessary for the governor to issue a new appointment to the person who, on the passing of this act, shall hold the office of commissioner of stamps, nor for such person again to take such oath.

New appointment under this act unnecessary.

*Sixth*—It shall be lawful for the governor at any time to remove the commissioner of stamps for any misconduct or neglect of duty, and whenever a vacancy shall occur, by reason of such removal, or of the death, or resignation of the commissioner, to fill up the same.

Commissioner may be removed.

*Seventh*—The said commissioner shall be paid a salary at and after the rate of three hundred pounds *per annum*, by quarterly or monthly payments, such salary to commence from the day on which he shall enter on the execution of his duty, or, in the case of the present commissioner, from the commencement of this act, and shall include, and be in full of all contingencies of office, not specifically provided for by this act.

His salary.

*Eighth*—In case of sickness, or other incapacity of the said commissioner, it shall be lawful by [*for*] him, by writing under his hand, to appoint a fit and proper person, with the consent of the receiver-general, to act as his deputy in the discharge of his duties, and the commissioner shall be responsible for the acts and defaults of his deputy.

He may appoint a deputy.

*Ninth*—The said commissioner of stamps shall, and he is hereby required to pay every day, by or before three of the clock in the afternoon, into such one of the banks with which arrangements shall have been made by the governor and executive committee, under the authority of the twenty-first Victoria, chapter thirty-nine, and the twenty-seventh Victoria, chapter seven, as the governor shall direct, all monies received by him for stamps, whether impressed or adhesive, during such day; and all other monies which he shall have received on the previous day, after payment into the bank as aforesaid.

Monies for stamps to be paid into bank daily.

*Tenth*—The present commissioner of stamps, and every commissioner of stamps, who shall be appointed after the passing of this act, shall enter into a joint and several bond with two or more sureties, to be approved of by the governor, with the advice of the executive committee, to our sovereign lady the queen, her heirs and successors, in the sum of two hundred pounds, conditioned for the due performance of his duties and payment over of monies,

Security to be given for daily payments of same.



and compliance with the other requirements and conditions of this act, in such form as the governor, with the advice of the executive committee, shall approve, and so as that the sureties may become bound in such proportions of the said sum of two hundred pounds as they may respectively be able and willing to undertake, and as shall together amount to the said sum of two hundred pounds.

Must render accounts quarterly to executive committee,

*Eleventh*—The said commissioner of stamps shall render to the executive committee, on the last day of each quarter, or within ten days thereafter, or whenever required by the said executive committee, a just and true account, on oath, of the value of the stamps delivered and impressed by him, or under his direction, or superintendence, on each day during the period embraced in every such account, under a penalty, for every neglect, of one hundred pounds.

and produce daily account of stamp requisitions made, and receipt for monies lodged in bank, to receiver-general, who must certify their correctness.

*Twelfth*—The said commissioner of stamps is hereby required to produce to the receiver-general, or the clerk appointed by him, at or after three of the clock each day, all requisitions for stamps, impressed and adhesive, which shall have been made to him, and the receipt of the bank for all monies lodged by him during such day; and such receiver-general or clerk shall compare such requisitions and receipts with the entries in the book kept by the commissioner of stamps; and, if found correct, certify such entries at the foot thereof.

#### ACCOUNTABILITY OF RECEIVER-GENERAL.

Receiver-general liable for amount of accounts rendered by commissioner.

*Thirteenth*—The receiver-general shall be liable for all monies paid as aforesaid by the commissioner of stamps into the bank to the credit of the account of the public monies of the said receiver-general.

#### DISCOUNT ON STAMP DUTIES.

10 per cent. discount allowed on purchase of stamps.

*Fourteenth*—A discount of ten pounds *per cent.* shall be allowed to all persons purchasing at the stamp office, in Kingston, stamps to the value of five pounds, or upwards, unless by this act otherwise provided.

#### AS TO THE DISTRIBUTION OF STAMPS.

Collectors of dues appointed distributors of stamps,

*Fifteenth*—Each collector of dues shall be a distributor of stamps, and be styled "COLLECTOR OF DUES AND STAMP DUTIES," to whom the receiver-general shall issue such quantity of adhesive stamps, and stamped paper, and printed forms of the respective denominations or values necessary to meet the demands of the public; and every collector of dues and stamp duties now in office, who may not have given security under any previous stamp duty act, before being entrusted with stamps for distribution,



tribution, shall give additional security, and every collector of dues and stamp duties shall give further or new security, according to the provisions of the "TAX COLLECTION ACT," or any other or future act regulating the security to be given by collectors of dues; and any person, to be hereafter appointed collector of dues, and of stamps, shall enter into security as aforesaid, to account for all stamps, and stamped paper, and printed forms, which shall from time to time be delivered to him as aforesaid, and shall from time to time be sold, or remain on hand respectively; and also to account for and pay over all monies received by him for or on account of the sale of such stamps, and of such paper and printed forms respectively, as fixed by this act, or the schedule hereto; and he shall render such account to the receiver-general, as that officer shall direct, and shall pay over the monies so received by him at the periods fixed for the payment of other monies received by him as collector of dues.

required to give security,

and to account for and pay over monies.

*Sixteenth*—In case the receiver-general shall omit to get in and compel such periodical account and payment, by the collector of dues and stamp duties, as by this act directed, the receiver-general shall be charged with whatever monies shall in consequence fall due and in arrear from any defaulting collector on these accounts.

Receiver-general chargeable with arrears of collector of dues.

*Seventeenth*—The collector of dues and stamp duties shall, as a remuneration for his trouble and services, be allowed to retain, from the proceeds of sales by him of such stamps, and paper, and printed forms, a commission at the rate of five *per cent.* on the amount of all such sales.

Commission to collector of dues.

*Eighteenth*—Collectors of dues and stamp duties, and dealers in the sale of stamped paper, may demand, over and above the amount of stamps impressed thereon, a sum of money for, and in respect of, each sheet of paper, according to the following scale:

Rates at which paper may be charged.

On every slip with a stamp or stamps of the value			
of 1s. 6d. 2s. 2s. 6d. or 3s. . . . .	0	0	1
Above 3s. . . . .	0	0	2
Sheet, or half sheet of foolscap, or folio post	0	0	1½
medium paper . . . . .	0	0	3
royal ditto . . . . .	0	0	6
imperial ditto . . . . .	0	0	9

And there shall be chargeable on each sheet, or half a sheet of printed forms, the sum of

0 0 3

which shall include and satisfy the charge for paper.

*Nineteenth*—If any collector of dues, and stamp duties, or dealer

Penalty for demanding higher rates,

A P 2

in



in stamps, shall demand any amount for any stamp beyond the value of such stamp, or for paper, or for any form beyond the rate hereby fixed, he shall forfeit a sum not exceeding ten pounds.

#### CERTIFICATE OF ADMISSION OF BARRISTERS.

*Certificate of admission of barrister, &c. must be stamped.*

*Twentieth*—Every certificate of the admission of a barrister, and a solicitor, attorney, or proctor, to practice in the courts of this island, shall be stamped as by this act is required, and shall be signed by the clerk of the supreme court and crown, or his lawful deputy; and any barrister, solicitor, attorney, or proctor, who shall not, upon his admission, take out a certificate of admission, is hereby declared incapable of acting, practising, or officiating in any court of this island, or otherwise, in such capacity; but one certificate of admission, so stamped and signed as aforesaid, shall entitle a barrister, solicitor, proctor, or attorney to admission in every court of law and equity in this island; and no barrister, solicitor, proctor, or attorney, who shall have taken out his certificate as aforesaid, shall be required to produce such certificate of admission.

*Penalty on persons preparing deeds, &c. for reward.*

*Twenty-first*—Any person who shall, for or in expectation of any fee, gain, or reward, directly or indirectly draw or prepare any conveyance of, or deed, will, or instrument relating to, any real or personal estate, or any proceedings in law or in equity (such person, not being a barrister, solicitor, attorney, or proctor, or person employed solely to engross any deed, instrument, or proceeding, not drawn or prepared by himself, or a person drawing or engrossing the same for his own account respectively, or a public officer drawing or preparing official instruments applicable to his office, and in the course of such duty), shall forfeit and pay for each such offence the sum of twenty pounds.

#### BANK NOTES.

*Banks must give security for payment of composition for stamp duties on notes.*

*Twenty-second*—Any banking corporation, or copartnership in this island, may issue and re-issue notes payable to bearer on demand, without the same being stamped as by this act is required, upon giving security, by bond to her majesty, of two of the directors, members, or partners of such corporation, or copartnership, together with the manager, secretary, cashier, or accountant employed by such corporation, or copartners, as the executive committee shall require; and such bonds shall be taken in such penalty as the duties may be computed to amount to during the period of one year, with condition to deliver to the commissioner of stamps, within twelve days after the last day of each of the months of March, June, September, and December in every year, during the existence of this act, a just and true account, verified upon the declaration of any director, manager, secretary, cashier, or account-

ant



ant of such corporation, or copartnership, to be made before any justice of the peace, of the amount or value of all their promissory notes in circulation on some given day in every week, for the space of one quarter of a year prior to the quarter day immediately preceding the delivery of such account, together with the average amount or value thereof, according to such account; and also to pay, or cause to be paid into the hands of the receiver-general of this island, as a composition for the duties which would otherwise have been payable for such promissory notes, issued within the space of one year, the sum of twenty shillings for every one hundred pounds, and also for the fractional part of one hundred pounds of the said average amount or value of such notes in circulation, according to the true intent and meaning of this act; and it shall be lawful for the said executive committee to fix the time of making such payment, and to specify the same in the condition of every such bond; and every such bond may be required to be renewed from time to time, at the discretion of the said executive committee, and as often as the same shall be forfeited, or any party to the same shall die, become insolvent, or reside in parts beyond the seas.

*Twenty-third*—On the coming into operation of this act, it shall not be lawful for any banker to issue any unstamped promissory note for money, payable to the bearer on demand, without taking out a license yearly for that purpose, which license shall be granted by the commissioner of stamps for the time being, on payment of the full duty charged thereon by this act, without any allowance of discount; and every such license shall specify the proper name, and place of abode of the person, or the proper name and description of any body corporate, to whom the same shall be granted, and also the name of the town or place where, and the name of the bank, as well as the partnership or other name, style, or firm, under which such notes are to be issued; and where any such license shall be granted to persons in partnership, the same shall specify the names and places of abode of all the persons concerned in the partnership, whether all their names shall appear in the promissory notes to be issued by them or not, and, in default thereof, such license shall be absolutely void; and every such license shall be dated on the day on which the same shall be granted, and shall have effect, and continue in force from the day of the date thereof, until the thirty-first day of December then next following, both inclusive: *Provided*, That any license taken out under the acts now in force, since the thirty-first day of December last, shall enure and operate under this act, until the thirty-first day of December next.

and take out annual license for issuing unstamped notes.

*Provided*.

*Twenty-fourth*—When any such license as aforesaid shall be granted

License to continue in force notwithstanding change in partnership.



granted to any persons in partnership as bankers, the same shall continue in force for the issuing of promissory notes, under the name, style, or firm therein specified, notwithstanding any alteration in the partnership.

# BANK SHARES' TRANSFER.

Banks to make return of shares transferred, &c.

*Twenty-fifth*—Some one director, or the manager, secretary, cashier, or accountant of every banking corporation or copartnership shall, within each period by this act limited for rendering the quarterly account hereinbefore required, also make, subscribe, and deliver to the commissioner of stamps a declaration, in writing, before any justice of the peace, of the amount or value of all shares in the capital stock, funds, estate, business, or profits of the bank, which shall have been transferred or assigned, during the quarter then last expired, and that each instrument of transfer or assignment has been duly and fully impressed with the stamp duty which the same is required to bear; and for every neglect or omission in the premises, every director, and the manager, secretary, cashier, and accountant of the defaulting corporation or copartnership, shall forfeit and pay the sum of ten pounds.

## FOREIGN BILLS OF EXCHANGE, FOREIGN BILLS OF LADING, ISLAND SECRETARY'S RECEIPTS.

Bills of exchange, &c. to be stamped in sets,

*Twenty-sixth*—The commissioner of stamps shall not stamp any foreign bill of exchange, or any bill of lading, unless the same shall be offered to him in a set of three parts or bills, and every such set shall have the word "first," "second," or "third" written or printed on the face of each respective bill or part, previous to its being stamped.

And drawn, &c. in sets.

*Twenty-seventh*—It shall not be lawful to draw, accept, or endorse, or subscribe, or write, negotiate, or make use of any foreign bill of exchange, or foreign bill of lading, except in sets of at least three parts to the set, and stamped respectively as herein provided; and any such bill of exchange, or bill of lading, drawn, accepted, endorsed, subscribed, or written, negotiated, or made use of, otherwise than as aforesaid, shall not be admissible in evidence in any court, or in any proceeding whatsoever.

Bills of lading must be signed in sets,

*Twenty-eighth*—The master of any vessel, clearing from this island with goods, wares, or merchandize for exportation, shall not sign any bill of lading, unless presented to him in a set of at least three parts to the set, and unless the same respectively be duly stamped, as required by this act, under a penalty of five pounds for every such offence.

*Twenty-ninth*



*Twenty-ninth*—The secretary of this island is hereby required to give a separate receipt for each instrument to be recorded in his office; and he shall not enter or record any instrument without delivering a receipt stamped, as by this act required, under the penalty of thirty pounds for every offence.

Island secretary to give a receipt for each instrument.

*Thirtieth*—The receiver-general shall furnish printed forms of foreign bills of exchange, and foreign bills of lading respectively, duly stamped, and in sets as aforesaid, to the several collectors of dues and stamp duties, as occasion shall require.

Receiver-general to furnish bills of exchange, &c. in sets.

#### COMPUTATION OF STAMPS IN CERTAIN CASES.

*Thirty-first*—Instruments or documents hereby subjected to stamp duty shall only operate for one purpose, unless the same shall be stamped in addition for each other object or purpose embraced therein, or affected thereby, according to the rates hereby fixed for such other object or purpose respectively.

Instruments to operate for one purpose only unless further stamped.

*Thirty-second*—The duties respectively imposed by this act may be made up by several stamps; and stamps of greater value than is hereby required may be used upon any instrument.

Duties may be made up of several stamps.

#### AS TO THE USE AND CANCELLATION OF ADHESIVE STAMPS.

*Thirty-third*—Adhesive stamps, not exceeding two shillings in amount, may be used upon any instrument, except foreign bills of exchange, or foreign bills of lading.

How adhesive stamps of 2s. and under may be used.

*Thirty-fourth*—So long as any adhesive stamps of five shillings and ten shillings denominations respectively, shall remain on hand, the same may be used to any amount on writs from the supreme court, and on such documents in the court of chancery, and court of ordinary, as, when once returned into, and filed in the said several courts respectively, remain in the custody of the registrar, or clerks of the said respective courts: *Provided*, That it shall be the duty of the registrar, and clerk of each of such courts, to cancel the said adhesive stamps by writing his signature, so that as nearly as may be one-half thereof shall appear on the writ or document, and the remaining half on the stamp or stamps so cancelled; and he shall also, on each cancelled stamp, mark the day, month, and year of such filing and cancellation, under a penalty of two pounds for every omission.

How same stamps of 5s. and 10s. may be used.

and cancelled by registrar in chancery, &c.

*Thirty-fifth*—Every person who shall use an adhesive stamp, or into whose hands any instrument bearing an uncanceled adhesive stamp shall come, and every person before whom any affidavit or other

and by other persons.

other instrument bearing an adhesive stamp shall be deposed to, shall, before he delivers any such instrument out of his hand, custody, or power, cancel or obliterate the stamps thereon by writing his name on the instrument, and across the stamp affixed to the same, so that a part of the name or signature shall be written on the instrument, and the remaining part on the stamp; and the date of the instrument shall also be written on the cancelled stamp; and if any person shall write, or deliver any instrument with any adhesive stamp thereon, without *bonâ fide* in manner aforesaid effectually cancelling or obliterating such stamp, he shall forfeit and pay a sum not less than twenty shillings, nor more than ten pounds, for every offence or omission.

#### AUTHORITY TO STAMP DOCUMENTS OMITTED TO BE STAMPED PREVIOUSLY TO THIS ACT.

How unstamped instruments may be stamped.

*Thirty-sixth*—All instruments which were liable under any former act of this island to stamp duty, and which have not been impressed with any, or the proper stamps required by such previous act, may, at any time hereafter, upon production of an affidavit to the effect hereinafter provided, be impressed with the full amount of stamps required under the provisions of this act for instruments of a similar nature, and may thereafter be used and given in evidence in like manner as if they had been originally duly stamped.

#### PROHIBITION AGAINST USING UNSTAMPED PAPER.—INADMISSIBILITY OF UNSTAMPED DOCUMENTS.

Certain instruments must be written on paper previously stamped.

*Thirty-seventh*—Every instrument required to be stamped to an amount exceeding (two shillings), except as aforesaid, shall be written on paper, parchment, or vellum, which shall have been first impressed with the stamps prescribed by this act, nor shall any instrument, written, printed, or executed contrary to the provisions of this act, be admissible in evidence.

#### AS TO THE IMPRESSMENT AND ISSUE OF STAMPS.

How stamps are to be impressed.

*Thirty-eighth*—All stamps shall be impressed by the commissioner, or by his direction, in the presence of the receiver-general, or his clerk, as aforesaid.

No instrument to be stamped after preparation or execution, except as mentioned.

*Thirty-ninth*—The commissioner of stamps shall not impress any stamp on any instrument whatever, after the writing, printing, preparing, or executing the same, except as hereinafter mentioned; that is to say,

Printed forms not filled up or used; accounts current not signed; instruments executed, or shewn to the satisfaction of the



the commissioner to have been prepared out of this island, or lodged in escrow prior to the passing of this act.

Any instrument not stamped, or not fully stamped, which may be stamped according to the provisions of this act, upon payment of the following penalties in the shape of additional stamps on the instrument, viz :

If brought to be stamped within twelve months after the first signing or executing of the same, on payment, by way of penalty, of a sum equal to one-half of the duty, or deficiency of duty required; and if brought at any time after the last-mentioned period, then on payment, by way of penalty, of a sum equal to the whole of such duty, or deficiency of duty, as the case may be: *Provided*, That where the instrument shall be brought to be stamped within three months after the first signing or executing of the same, and it shall appear to the commissioner, on oath, or otherwise to his satisfaction, that the instrument was not duly stamped by reason of accident, mistake, inadvertency, or necessity, and without any wilful design or intention to evade the payment of the duty required, it shall be lawful for the commissioner to cause the instrument to be duly stamped, on payment of the whole, or (as the case may be) the deficiency of the stamp duty required, without any penalty: *Provided also*, That the commissioner shall not stamp any inland or foreign bill of exchange, or promissory note, after the lapse of fourteen days from the date of execution of such bill or note.

*Proviso.*

*Proviso.*

*Fortieth*—The commissioner of stamps shall, under the penalty of thirty pounds, for every refusal or neglect, upon being paid the duties for any quantity of stamps required by, and specified in the written requisition of any person, not less in amount than five pounds, in which requisition shall be specified the date, name of the person paying the duties, the number, denomination, and value of the stamps required, the amount of discount allowed, and of the duties then paid, grant a receipt for such duties in which the date, name of the person paying the duties, and the amount of the duties, less the discount, shall be stated; and, under a like penalty for every refusal or neglect, deliver such amount of adhesive stamps, and impress on all such papers as shall be brought for that purpose, such amount of stamps as shall be prescribed by this act, and for which duty shall have been paid, and shall forthwith return the same to the owner thereof; and the said commissioner of stamps shall duly enter, into proper books of account, to be kept by him for the purpose, a just and true account of the several stamps delivered and impressed by him as aforesaid.

*Commissioner to give receipt for stamp duties.*



AS TO THE ISSUE OF STAMPS TO THE GOVERNOR'S SECRETARY.

and furnish the governor's secretary with stamps.

*Forty-first*—The receiver-general and commissioner of stamps shall, on application, in writing, by the governor's secretary, supply him with such stamps as may be required for commissions and other documents issuing from his office; and the secretary shall, once in every month, account to the receiver-general for all stamps so received by him, without any deduction for discount; and no such commission or documents shall be issued except upon duly stamped paper, vellum, or parchment, the stamps whereon shall have been so furnished to the secretary by the receiver-general and commissioner of stamps.

UNSTAMPED DOCUMENTS VOID, OR INADMISSIBLE IN EVIDENCE.

Unduly stamped instruments inadmissible in evidence.

*Forty-second*—Any instrument liable to be, and not duly stamped as directed by this act, shall not be pleaded, or admitted in evidence in any proceeding, or in any court of law or equity.

Instruments void, if consideration money be not truly stated.

*Forty-third*—If, with intent to evade this act, a consideration, or sum of money shall be expressed to be paid in any instrument less than the amount actually paid, or agreed to be paid, every such instrument shall be null and void.

Instruments executed out of island must be stamped.

*Forty-fourth*—Any instrument made, executed, taken, or acknowledged out of this island, and liable to duty, shall not be received or admitted in any court, or be entered of record in any office within this island, until the same shall have been first duly stamped.

AS TO STAMPING DOCUMENTS AT THE TRIAL.

How unstamped or insufficiently stamped instruments may be received in evidence.

*Forty-fifth*—Upon the tender in evidence of any instrument, other than inland and foreign bills of exchange, and promissory notes, it shall be the duty of the officer of the court, before reading such instrument, to call the attention of the judge to any omission or insufficiency of the stamp; and the instrument, if unstamped, or insufficiently stamped, shall not be received in evidence until the whole or (as the case may be), the deficiency of the stamp duty, to be determined by the judge, and the penalty required by this act, together with an additional penalty of one pound, shall have been paid.

Officer of the court to give receipt for sums received by him on account of such instruments.

*Forty-sixth*—Such officer of the court shall, upon payment to him of the duty payable upon such instrument, and of the penalties imposed by this act, give receipt for the amounts so paid, and thereupon such instrument shall be admissible in evidence, saving all



all just exceptions on other grounds; and an entry of the fact of such payment, and of the amount thereof, shall be made in a book, kept by such officer, who shall, at the end of each sittings, make a return of, and pay over the monies so received to the receiver-general, distinguishing the amounts respectively paid for duty and penalties, and stating the name of the cause, and of the parties paying the same, and the date, if any, and description of the instrument, for the purpose of identifying the same; and, in case of neglect in either of the respects aforesaid, the offending officer shall be subject to an attachment out of the supreme court, to enforce the payment of such monies, together with the costs of all proceedings, upon application to be made for that purpose to any judge of the court, by or on behalf of the receiver-general.

*Forty-seventh*—The commissioner of stamps shall, upon production of the receipt next hereinbefore mentioned, impress on such instrument the proper stamp or stamps in conformity with such receipt.

Such instruments to be impressed with the proper stamp.

*Forty-eighth*—The stamps and penalties so received in the circuit courts shall be noted under a separate head in the return of forfeited recognizances and fines; and those in the magistrates' courts shall be noted in the monthly return of fines under a separate head, and the amounts received shall be paid by the respective officers in the manner and at the respective times directed by any act in force for the payment over of moneys received by them.

How stamps and penalties received in court are to be entered.

#### PUBLIC OFFICERS, SOLICITORS, AND OTHERS AUTHORIZED TO DEMAND AMOUNT OF STAMP DUTIES, BEYOND OTHER FEES.

*Forty-ninth*—Every public officer, required to supply any stamp, shall be entitled to demand from the person requiring the same, the amount of such stamp; and every solicitor, attorney, and proctor shall be entitled to demand from his client all such sums of money as he may have expended for stamps on behalf of such client.

Public officer may demand the amount of stamps supplied by him.

*Fiftieth*—Every solicitor, attorney, or other person bespeaking a copy of any instrument from any public office, chargeable with a stamp duty, shall, under a penalty of ten pounds for each wilful neglect, take out and pay for such copy within fourteen days after he shall be informed that such copy is ready for delivery.

Solicitor must take and pay for stamps on instruments ordered by him, under penalty.

#### PENALTIES FOR RECORDING, ISSUING, OR PREPARING DOCUMENTS, OR ACCEPTING RECEIPTS NOT DULY STAMPED, AND AGAINST OTHER EVASIONS.

*Fifty-first*—Any public officer who shall wilfully or fraudulently

Public officer recording any unduly stamped



ed instrument liable to penalty.

enter or record any instrument chargeable with duty under this act, and which shall not have been duly stamped, shall, for every such offence, forfeit and pay a sum not exceeding fifty pounds; and if he shall issue any office copy, or any copy of any instrument without the stamps imposed by this act, or if he shall commit or connive at any fraud or practice, whereby the duties to arise by this act shall be lessened, impaired, or lost, he shall, upon conviction, for every offence, forfeit and pay a sum not exceeding fifty pounds; and such officer shall, over and above such penalty, forfeit his office; and if any attorney, solicitor, or proctor shall be guilty of, or of participating in any fraud or practice in any of the respects aforesaid, and be convicted thereof, he shall be disqualified from practising in any of the courts within this island.

Penalty on persons giving receipt, &c. for sums less than actually paid.

*Fifty-second*—Every person who, with intent to evade this act, shall give or accept any receipt or acquittance, in which a less sum shall be expressed than the sum actually paid and received, or shall separate or divide the sum actually paid or received, lent or advanced, into divers receipts, bills of exchange, drafts, or orders, or other instruments or writings, or shall be guilty of, or concerned in any other contrivance or device with such intent, shall, for every such offence, forfeit the sum of ten pounds.

and attempting to evade this act.

*Fifty-third*—Every person who shall evade, or attempt to evade this act, by giving, receiving, or negotiating any instrument whatever, charged with a duty under this act, on paper, or other substance not impressed with, or not otherwise bearing the proper amount of stamps prescribed by this act, shall, for every such offence, forfeit and pay a sum not exceeding five pounds.

#### EXCHANGE OF STAMPS.

Spoiled stamps may be exchanged.

*Fifty-fourth*—The receiver-general and commissioner may exchange for others all stamps on instruments which shall have been inadvertently or undesignedly spoiled, obliterated, or otherwise rendered unfit for use, upon production to them of the entire sheet or piece of paper, or instrument, upon which such stamp is impressed; and of an affidavit, taken before a justice of the peace, or the said commissioner, to the effect following:

*"I do swear that the several sheets, or pieces of paper, or instruments hereunto annexed, and hereunder specified, were inadvertently or undesignedly spoiled, and that no consideration has been received for the same by any person, viz. (here set forth a description of the documents)."*

And if satisfied that such sheet, or piece of paper, or instrument, has not been executed by the parties thereto, or has not been used for the purpose therein expressed, the receiver-general, and commissioner



missioner shall exchange such spoiled stamp for a stamp or stamps of equal value, to be impressed upon such paper or instrument, as the party requiring the same shall produce, free of any charge; but if the receiver-general, and commissioner, shall be of opinion that such stamp, so brought to be exchanged, is not really and *bonâ fide* a spoiled stamp, according to the true intent and meaning of this act, they may refuse to exchange the same; and all such spoiled stamps must be tendered to the receiver-general, and commissioner, within the period of six months from the time when the same shall have been respectively spoiled and rendered useless.

*Fifty-fifth*—All spoiled stamps shall be destroyed in the stamp office, in the presence of the commissioner and the receiver-general. Must be destroyed.

#### PENALTIES AGAINST FORGERY AND OTHER FRAUDS.

*Fifty-sixth*—If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any adhesive or other stamp, or any die, or any part of any stamp or any die, which shall have been provided, made, issued, or used in pursuance of this act, or any former act or acts relating to any stamp duty or duties, or shall forge, counterfeit, or imitate, or cause or procure to be forged, counterfeited, or imitated, the impression, or any part of the impression of any such stamp or die as aforesaid, upon any vellum, parchment, or paper, or shall stamp, or mark, or cause or procure to be stamped or marked, any vellum, parchment, or paper, with any such forged or counterfeited stamp or die, or part of any stamp or die as aforesaid, with intent to defraud the revenue of this island of any of the duties hereby granted, or any part thereof; or if any person shall utter or sell, or expose to sale, any vellum, parchment, or paper, having thereupon the impression of any such forged or counterfeited stamp or die, or part of any stamp or die, or any such forged, counterfeited, or imitated impression, or part of impression as aforesaid, knowing the same respectively to be forged, counterfeited, or imitated; or if any person shall surreptitiously or privately and secretly use any stamp or die, which shall have been so provided, made, or used as aforesaid, or shall, by any false pretence, or crafty or subtle deceit, device, or means obtain, or procure to be impressed upon, or affixed to any vellum, parchment, or paper, any such stamp or die as aforesaid, or any part of such stamp or die, or the resemblance of any such stamp or die, or any part thereof, with intent to defraud the revenue of this island of any of the said duties, or any part thereof; or if any person shall fraudulently take, cut, or tear off, or cause or procure to be taken, cut, or torn off, the impression of any stamp or die, which shall have been provided, made, issued, or used in pursuance of this or any former act for expressing or denoting any duty or duties, or any part of such duty or duties, from any vellum, parchment, or paper

Penalty on persons counterfeiting stamps.



paper whatsoever, with intent to use the same for, or upon any other vellum, parchment, or paper, or any instrument charged or chargeable with any of the duties hereby granted, then, and in every such case, every person so offending, and every person knowingly and wilfully aiding, abetting, or assisting any person or persons in committing any such offence as aforesaid, and being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer such punishment, by imprisonment, for such term of years as the court, before which he shall be tried and convicted, shall, in their discretion, direct.

How suits for taking or detaining, &c. stamps may be instituted.

*Fifty-seventh*—In any suit, prosecution, or proceeding to be brought against any person for the taking or retaining, or for the losing, damaging, or destroying of any adhesive stamp, or of any vellum, parchment, or paper upon which any stamp or stamped mark, denoting any duty imposed by law, hath been impressed or put, or for any other cause of action, or proceeding relating to the same respectively, such suit, prosecution, or proceeding shall and may be commenced, instituted, and proceeded with in the name of her majesty, her heirs and successors, or in the name of the attorney-general of this island for the time being, for and on behalf of her said majesty, her heirs and successors; and in all such suits, prosecutions, or proceedings, the property, in all such adhesive stamps, or on such vellum, parchment, or paper so stamped, marked, and impressed as aforesaid, shall be described to be, and shall be deemed and taken to be in her majesty, her heirs and successors; and the value of the same respectively shall be deemed and taken to be the amount of the value denoted by such adhesive stamps, and of the vellum, parchment, and paper, and of the stamp duty denoted by such stamp, so impressed and put upon the same respectively; and further, in any prosecution against any person for embezzling or stealing such adhesive stamps, vellum, parchment, or paper, so stamped, marked, and impressed as aforesaid, or for any other offence for or relating to the same respectively, it shall be sufficient, in the indictment or information, to state and describe the property in the same to be in her majesty, her heirs and successors.

Penalty on persons taking off stamps that had been used, &c.

*Fifty-eighth*—If any person shall fraudulently get off, or remove, or cause or procure to be gotten off or removed from any instrument whatsoever, any adhesive stamp, which had been affixed thereto and used, or if any person shall affix or use any such stamp, or knowingly receive such stamp, which shall have been so gotten off or removed from any instrument as aforesaid, he shall forfeit and pay a sum not exceeding ten pounds.

and practising any fraudulent act not expressly provided for.

*Fifty-ninth*—If any person shall do or practice, or be concerned in



in any fraudulent act, contrivance, or device whatever, not specially provided for by this act, with intent to defraud her majesty, her heirs and successors, or the government or public of this island, of any duty by this act imposed, he shall forfeit, for every offence, a sum not exceeding twenty pounds.

#### RECOVERY AND APPROPRIATION OF PENALTIES.

*Sixtieth*—All penalties imposed by this act, exceeding fifty pounds, shall be recovered in the supreme court of judicature of this island, by action of debt, bill, plaint, or information, with full costs; and all penalties not exceeding fifty pounds shall be recovered in a summary manner, before any two justices of the peace of the parish or precinct where the offence shall be committed, with such costs as such justices shall think fit; and such last-mentioned penalties and costs shall, unless forthwith paid, be levied by distress and sale of the offender's goods and chattels; or, in default, the offender shall be committed by such justices to the nearest prison for a space not exceeding three months.

Penalties, how recoverable,

*Sixty-first*—All penalties recovered under this act shall be applied, one moiety for and towards the support of the government of this island, and the other moiety to the person who shall have sued or prosecuted for the same.

and to be applied.

*Sixty-second*—Every prosecution under this act shall be commenced within six months next after the commission of the offence.

When prosecutions shall commence.

#### POWER TO REFUND ERRONEOUS PAYMENTS, AND RECTIFY MISTAKES.

*Sixty-third*—It shall be lawful for the executive committee, whenever they shall be satisfied that any mistake has been made in the imposition of duties, to direct the restoration of any overpaid duties, or otherwise to rectify any mistake, and to allow to the receiver-general any deduction to which they may consider him fairly entitled on his account for stamps.

Executive committee may return duties.

#### REPEAL OF ACTS—BUT OFFENCES PUNISHABLE, &c.

*Sixty-fourth*—Upon the passing of this act, the acts of the twenty-fifth Victoria, chapter thirteen, and twenty-sixth Victoria, sessions two, chapter seven, are, and each of them is hereby repealed; but notwithstanding such repeal, all or any offences, or matters committed or done against any provision of either of such acts, during the continuance thereof respectively, shall be dealt with and punished; and all penalties or forfeitures imposed or incurred under either of the said acts shall be recovered, and all bonds, recognizances, liabilities, and duties, powers, directions, and authorities

Certain acts repealed.

rities

rities under either of the said acts respectively, shall continue and be in full force, obligation, and effect; and all or any proceedings taken or commenced under the same, or either of them, shall continue and be in full force and effect as if the said acts respectively had not expired or been repealed; and any complaint or proceeding thereunder, not made or commenced previous to the expiry or repeal thereof respectively, shall be made or commenced within six calendar months after the commencement of this act.

#### COMMENCEMENT AND DURATION OF ACT.

Duration of this act.

*Sixty-fifth*—This act shall continue in force until the thirty-first day of March one thousand eight hundred and sixty-seven; and, notwithstanding its expiry or repeal, any offence committed against any of its provisions, and any penalty or liability incurred under this act, may be prosecuted and punished, proceeded for, recovered, or enforced, as might have been done during its continuance.

#### INTERPRETATION.

Interpretation of certain words.

*Sixty-sixth*—The word "instrument," as used in this act, and the schedule thereto, shall include every deed, writing, printed form, document, paper, matter, or thing whatever, by this act, or by the schedule thereto respectively charged with; or made liable to any stamp duty.

### SCHEDULE TO WHICH THIS ACT REFERS.

#### PART THE FIRST.

##### AGREEMENT.

£. s. d.

On every agreement, or any minute or memorandum of an agreement under hand only (and not otherwise charged in this schedule, nor expressly exempted from all stamp duty), where the matter thereof shall be of the value of twenty pounds, or upwards, whether the same shall be only evidence of a contract or obligatory upon the parties, from its being a written instrument

0 4 0

But where divers letters shall be offered in evidence, to prove any agreement between the parties who shall have written such letters, it shall be sufficient if any one of such letters shall be stamped with a duty of four shillings, and which letter may be stamped at any time before it is given in evidence.

EXEMPTIONS



£. s. d.

## EXEMPTIONS FROM THE PRECEDING, AND ALL OTHER STAMP DUTIES.

Memorandum, or agreement for the hire of any laborer, artificer, tradesman, manufacturer, or menial servant.

Memorandum, letter, or agreement made for, or relating to, any goods, wares, and merchandize.

But any memorandum, or agreement, intended as preparatory to a more formal instrument, and so stated on the face of it, may be stamped with the duty hereby imposed, if made within this island at any time within ninety days after the date thereof, and, if made out of the island, within six months thereafter.

## ANNUITY, RE-PURCHASE OF.

Any release or assignment of an annuity, or rent charge, made subject in, and by the original grant thereof to be redeemed or re-purchased, shall, on the re-purchase thereof, be exempted from the duty hereby imposed on a conveyance or transfer of land, and shall be charged only with the duty hereby imposed upon a deed not otherwise charged.

## APPOINTMENTS.

On every original appointment of island or stipendiary curate 6 13 3

On every appointment, by her majesty's letters patent, to any public office of this island ... 40 0 0

On every appointment in execution of a power of land, or other property, real or personal, or of any use or interest therein, where made by any writing, not being a deed or will ... 0 13 3

On every appointment to an office of emolument, payable by the public, a sum equal to two *per cent.* upon the salary (for one year), affixed to such office, in addition to any other stamp.

## EXEMPTIONS FROM THE PRECEDING, AND ALL OTHER STAMP DUTIES.

All appointments to any public office, where the party is to officiate for another during his absence from his duties, such absence being by leave of the governor.

## ARTICLES OF CLERKSHIP.

On every article of clerkship or contract, whereby any person shall first become bound to serve as a clerk, in order to his admission as a solicitor, attorney, and proctor in the courts of this island ... 26 13 3  
4 R On

£. s. d.

On every article of clerkship or contract, whereby any person shall become bound to serve as a clerk, in order to any such admission as aforesaid, for the residue of the term for which he was originally bound, in consequence of the death of his former master, or of the contract between them being vacated by consent, or by rule of court, or in any other event	...	...	0 13 3
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## AWARD.

On every award	...	...	0 8 0
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## BANKERS' CHEQUES.

On every cheque to be drawn on any banker, bank, or banking firm or company in this island on, from, and after the first day of February, one thousand eight hundred and sixty-five	...	...	0 0 1
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## BILLS, OR CHEQUES FOR MONEY.

On every cheque, draft, or order for the payment of any sum of money not less than forty shillings to, or in favor of any person at sight, or on demand, on any person or firm, other than a banker, or banking firm or company, at sight, or on demand	...	...	0 0 1
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And, until dies or adhesive stamps of one penny denomination are received, for the purposes of this act, it shall be lawful to make use of post-office stamps, or labels of the like denomination, until the first day of March, one thousand eight hundred and sixty-five; and the receiver-general shall keep a separate account of all post-office stamps, or labels so made use of.

## BILLS OF EXCHANGE (INLAND.)

Draft, or order, or acceptance for the payment to the bearer, or to order, at any time otherwise than on demand, of any sum of money amounting to ten pounds, and not exceeding thirty pounds	...	...	0 0 3
Above thirty pounds, and not exceeding fifty pounds			0 0 9
Above fifty pounds, and not exceeding one hundred pounds			0 1 3
Above one hundred pounds, and not exceeding two hundred pounds	...	...	0 2 0
Above two hundred pounds, and not exceeding three hundred pounds	...	...	0 3 3
Above three hundred pounds, and not exceeding four hundred pounds	...	...	0 4 0
			Above



£. s. d.

Above four hundred pounds, and not exceeding five hundred pounds ... 0 5 3

Above five hundred pounds, and not exceeding one thousand pounds ... 0 6 9

Above one thousand pounds, and not exceeding two thousand pounds ... 0 13 3

Above two thousand pounds, and not exceeding three thousand pounds ... 1 6 9

And where it shall exceed three thousand pounds 2 0 0

Inland bill, draft, or order for the payment of any sum of money weekly, monthly, or at any other stated period, if made payable to the bearer, or to order, or if delivered to the payee, or some person on his or her behalf, when the total amount of the money thereby made payable shall be specified therein, or can be ascertained therefrom

The same duty as on a bill payable to bearer, or order, at any time otherwise than on demand, for a sum equal to such total amount.

## EXEMPTIONS FROM THE PRECEDING, AND ALL OTHER STAMP DUTIES.

All drafts, or orders, drawn on the receiver-general of this island, but such drafts, or orders shall, notwithstanding, be liable, at the time of payment, to the duty imposed by this act on receipts.

## BILLS OF EXCHANGE (FOREIGN):

Drawn in sets, according to the custom of merchants, for every part or bill of each set, where the sum made payable thereby shall be for ten pounds, and not exceeding fifty pounds ... 0 0 3

Above fifty pounds, and not exceeding one hundred pounds 0 0 9

Above one hundred pounds, and not exceeding two hundred pounds ... 0 1 3

Above two hundred pounds, and not exceeding five hundred pounds ... 0 2 0

Above five hundred pounds, and not exceeding one thousand pounds ... 0 4 0

Above one thousand pounds, and not exceeding two thousand pounds ... 0 8 0

Above two thousand pounds, and not exceeding three thousand pounds ... 0 13 3

4 R 2

And

	f. s. d.
And where it shall exceed three thousand pounds	1 6 9

But all foreign bills of exchange shall be stamped at and after the rates hereinbefore mentioned, notwithstanding that the sums for which such bills shall be drawn shall be expressed in dollars, francs, or any other description of money of account.

#### BILLS OF LADING.

Drawn in sets of three for goods, wares, or merchandize, to be exported from this island, on each part or bill	0 0 9
On each receipt for goods, wares, or merchandize carried coastwise	0 0 3

#### BONDS.

Bond given as a security for the payment of any definite and certain sum of money, amounting to thirty pounds, and under fifty pounds	0 2 0
Fifty pounds, and under one hundred pounds	0 3 3
One hundred pounds, and under two hundred pounds	0 6 9
Two hundred pounds, and under three hundred pounds	0 10 0
Three hundred pounds, and under five hundred pounds	0 13 3
Five hundred pounds, and under one thousand pounds	0 16 9
One thousand pounds, and under two thousand pounds	1 0 0
Two thousand pounds, and under three thousand pounds	1 3 3
Three thousand pounds, and under four thousand pounds	1 6 9
Four thousand pounds, and under five thousand pounds	1 13 3
And for all sums amounting to, or exceeding five thousand pounds	2 0 0

#### BOND.

When the money secured, or to be ultimately recoverable thereon, shall be limited, not to exceed a given sum, the same duty as on a bond for such limited sum.

And when the total amount of the money secured, or to be ultimately recoverable thereon, shall be uncertain, and without any limit, the same duty as on a bond for a sum equal to the amount of the penalty of such bond.

And where there shall be no penalty of the bond in such last-mentioned case, such bond shall be available for such



£. s. d.

an amount only as the *ad valorem* duty denoted by any stamp or stamps thereon shall extend to cover.

Bond given as a security for the payment of any sum of money which shall be in part secured by a mortgage, or other instrument, or writing, hereinafter charged with the same duty as on a mortgage bearing even date with such bond, or for the performance of covenants contained in such mortgage, or other instrument, in writing, or for both those purposes ...

0 13 6

Bond given as a collateral or auxiliary security for the payment of any annuity, upon the original creation and sale thereof, where the same shall be granted, or conveyed, or secured by any other deed, or instrument, liable to, and charged with, the *ad valorem* duty hereinafter imposed on conveyances, upon the sale of any property

0 13 6

Bond given as a security for the payment of any annuity (except upon the original creation and sale thereof), or of any sum or sums of money, at stated periods (not being interest for any principal sum, nor rent reserved, or payable upon any lease), for any definite and certain term, so that the total amount of the money to be paid can be previously ascertained, the same duty as on a bond of the like nature for the payment of a sum of money equal to such total amount.

Bond given as a security for the payment of any annuity (except as aforesaid), or of any sum or sums of money at stated periods (not being interest for any principal sum, nor rent reserved, or payable upon any lease), for the term of life, or any other indefinite period, so that the whole money to be paid cannot be previously ascertained.

Where the annuity, or sum secured, shall not amount to ten pounds *per annum* ...

0 4 0

And where the same shall amount to ten pounds, and shall not amount to fifty pounds *per annum* ...

0 8 0

And where the same shall amount to fifty pounds, and under one hundred pounds *per annum* ...

0 12 0

And where the same shall amount to one hundred pounds, and under two hundred pounds *per annum* ...

0 16 0

And where the same shall amount to two hundred pounds, and under three hundred pounds *per annum* ...

1 0 0

And where the same shall amount to three hundred pounds, and under four hundred pounds *per annum* ...

1 6 6

And where the same shall amount to four hundred pounds, and under five hundred pounds *per annum* ...

1 13 6

And

	£.	s.	d.
And where the same shall amount to five hundred pounds, and under seven hundred and fifty pounds <i>per annum</i>	2	0	0
And where the same shall amount to seven hundred and fifty pounds, and under one thousand pounds <i>per annum</i>	2	6	6
And where the same shall amount to one thousand pounds <i>per annum</i> , or upwards	2	13	6
Bond, commonly called counter bond, for indemnifying any person who shall have become bound or engaged as surety for the payment of any sum of money, or annuity	0	13	6
Bond for the due execution of an office, and to account for money received by virtue thereof	0	13	6
Bond of any kind whatever, not otherwise charged in this schedule, nor expressly exempted from all stamp duty	0	13	6

## BOND.

Any transfer or assignment of any such bond as aforesaid, and which shall have paid the proper *ad valorem* duty on bonds.

Where the principal money secured by the bond shall not exceed five hundred pounds, the same duty as on a bond for the total amount of such principal money.

And in every other case, such transfer or assignment shall be chargeable with the duty of ... 0 13 6

## EXEMPTIONS FROM THE PRECEDING AND ALL OTHER STAMP DUTIES.

All security or penal bonds to her majesty, her heirs and successors.

Bonds given by collectors of dues and stamps, collectors of rum duties, and their sureties, for the due payment of money collected by them, or otherwise relating to their offices.

Bail bonds and replevin bonds.

## CERTIFICATES.

On every certificate of the admission of a barrister, to practice in the courts of this island ... 13 6 6

On every certificate of the admission of a solicitor, attorney, conveyancer, or proctor, to practice in the courts of this island, where the person had entered into articles of clerkship or contract, dated after the passing of the "Stamp

DUTY



	£.	s.	d.
DUTY ACT, 1855," or of this act, and duly stamped according to the provisions of such act, or of this act	80	0	0

And on every other certificate of the admission of a solicitor, attorney, conveyancer, or proctor, to practice in the courts of this island	106	13	6
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But no one person is to be obliged to take out more than one certificate, although he may act in more than one of the capacities aforesaid, or in several of the courts aforesaid.

#### CHARTER PARTY.

On every charter party	1	6	6
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#### CIRCULAR NOTES—BANKERS' OR OTHER.

The like amount, and progressive rates of *ad valorem* duties shall be paid thereon respectively, as are by this act or schedule charged on foreign bills of exchange of corresponding amount.

#### COMMISSIONS.

On every grant, letters patent, or commission of chief justice, and vice-chancellor, so long as the same offices shall be held conjointly	133	6	6
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On every grant, letters patent, or commission of chief justice, if the office be held separately	100	0	0
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On every grant, letters patent, or commission of vice-chancellor, if the office be held separately	75	0	0
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On every grant, letters patent, or commission of assistant judge of the supreme court	95	0	0
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On every commission of <i>custos rotulorum</i> for any precinct or parish within this island	13	6	6
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On every commission or writ of association for magistrates, and each nomination therein	2	0	0
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On every commission of master in ordinary in the court of chancery	26	13	6
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On every commission of master extraordinary in the court of chancery	0	13	6
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On every commission or appointment of attorney-general	26	13	6
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On every commission or appointment of advocate-general	13	6	6
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On

	£.	s.	d.
On every commission of general officer of the militia of this island	26	13	6
On every commission of field officer in a regiment of militia	4	0	0
On every commission or appointment conferring the rank of field officer, otherwise than herein set forth	40	0	0
On every commission of captain of a troop, or company in any regiment	3	6	6
On every commission or appointment conferring the rank of captain, otherwise than above set forth	133	6	6
On every commission of lieutenant or cornet of a troop, or lieutenant or ensign of a company of any regiment of militia	1	13	6
On every commission or appointment conferring the rank of subaltern, otherwise than above set forth	66	13	6
On every commission of adjutant or quarter-master in the militia	1	13	6
On every commission or appointment of surgeon in the militia	4	0	0
On every commission of assistant surgeon in the militia	1	13	6
On every commission of lieutenant of a fort on the island establishment	16	0	0
On every commission of staff or brevet officer, not herein specified, conferring rank above that of captain	80	0	0
On every commission of physician-general, surgeon-general, or apothecary-general of the militia, and their respective deputies	80	0	0
On every commission of adjutant-general in the militia	26	13	6
On every commission of quarter-master-general	80	0	0
On every commission of muster-master-general	80	0	0
On every commission of barrack-master-general of militia	80	0	0
On every commission of deputy to any of the four last mentioned officers	80	0	0
On every commission of aide-de-camp to the commander-in-chief	40	0	0
On every commission or warrant of aide-de-camp and major of brigade to a general officer	16	0	0
On			



	£.	s.	d.
On every commission of judge advocate-general ...	40	0	0
On every commission of deputy judge advocate-general	80	0	0
On every commission of deputy judge advocate to a regiment of infantry, or troop of horse . .	4	0	0
On every commission in the militia, not herein specified	80	0	0
On every commission, grant, warrant, or appointment from the governor of any office or employment of the annual value of £100, not otherwise charged in this schedule, nor expressly exempted from all stamp duty ...	2	0	0
And when the same shall exceed one hundred pounds, for every additional one hundred pounds ...	4	0	0

## EXEMPTIONS FROM THE PRECEDING, AND ALL OTHER STAMP DUTIES.

All commissions, when the party is to officiate for another during his absence from his duties, such absence being by leave of the governor.

## CONVEYANCES.

Conveyance, whether grant, bargain and sale, assignment, transfer, release, or any other kind or description whatever, or order or decree of the high court of chancery of England, or this island, or other competent jurisdiction or authority, operating as a conveyance upon the sale of any land, tenements, rents, annuities, or other property, real or personal, or of any right, title, interest, or claim into, out of, or upon any lands, tenements, rents, annuities, or other property; that is to say, for or in respect of the principal, or only deed, instrument, order, decree, or writing, whereby the lands, or other things sold shall be granted, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction.

Where the purchase or consideration-money therein, or thereupon expressed, shall not exceed ten pounds	0	6	6
And where the same shall exceed ten pounds, and not exceed twenty pounds	0	13	6
And where the same shall exceed twenty pounds, and not exceed fifty pounds	1	6	6
And where the same shall exceed fifty pounds, and not exceed one hundred pounds	2	0	0
And where the same shall exceed one hundred pounds, and not exceed two hundred pounds	2	13	6

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And

	£.	s.	d.
And where the same shall exceed two hundred pounds, and not exceed three hundred pounds ...	3	6	6
And where the same shall exceed three hundred pounds, and not exceed four hundred pounds ...	4	0	0
And where the same shall exceed four hundred pounds, and not exceed five hundred pounds ...	4	13	6
And where the same shall exceed five hundred pounds, and not exceed six hundred pounds ...	5	6	6
And where the same shall exceed six hundred pounds, and not exceed seven hundred pounds ...	6	0	0
And where the same shall exceed seven hundred pounds, and not exceed eight hundred pounds ...	6	13	6
And where the same shall exceed eight hundred pounds, and not exceed nine hundred pounds ...	7	6	6
And where the same shall exceed nine hundred pounds, and not exceed one thousand pounds ...	8	0	0
And where the same shall exceed one thousand pounds, and not exceed one thousand five hundred pounds ...	10	6	6
And where the same shall exceed one thousand five hundred pounds, and not exceed two thousand pounds	13	6	6
And where the same shall exceed two thousand pounds, and not exceed two thousand five hundred pounds	16	13	6
And where the same shall exceed two thousand five hundred pounds, and not exceed three thousand pounds	20	0	0
And where the same shall exceed three thousand pounds, and not exceed three thousand five hundred pounds	23	6	6
And where the same shall exceed three thousand five hundred pounds, and not exceed four thousand pounds	26	13	6
And where the same shall exceed four thousand pounds, and not exceed four thousand five hundred pounds	30	0	0
And where the same shall exceed four thousand five hundred pounds, and not exceed five thousand pounds	33	6	6
And where the same shall exceed five thousand pounds, and not exceed five thousand five hundred pounds	36	13	6
And where the same shall exceed five thousand five hundred pounds, and not exceed six thousand pounds	40	0	0

And



	£.	s.	d.
And where the same shall exceed six thousand pounds, and not exceed six thousand five hundred pounds ...	43	6	6
And where the same shall exceed six thousand five hundred pounds, and not exceed seven thousand pounds	46	13	6
And where the same shall exceed seven thousand pounds, and not exceed seven thousand five hundred pounds	50	0	0
And where the same shall exceed seven thousand five hundred pounds, and not exceed eight thousand pounds	53	6	6
And where the same shall exceed eight thousand pounds, and not exceed eight thousand five hundred pounds	56	13	6
And where the same shall exceed eight thousand five hundred pounds, and not exceed nine thousand pounds	60	0	0
And where the same shall exceed nine thousand pounds, and not exceed ten thousand pounds ...	63	6	6
And for every additional one hundred pounds, and also for any fractional part of one hundred pounds ...	0	13	6

*Note.*—The purchase, or consideration money, is to be truly expressed and set forth, in words at length, in or upon every such principal, or only deed, order, decree, or instrument of conveyance.

And where any lands, or other property, held under different titles, contracted to be sold at one entire price for the whole, shall be conveyed to the purchaser in separate parts or parcels by different deeds, orders, decrees, or instruments, the purchase, or consideration shall be divided and apportioned in such manner as the parties shall think fit, so that a distinct price or consideration for each separate part or parcel may be set forth in or upon the principal or only deed, order, decree, or instrument of conveyance relating thereto, which shall be charged with the said *ad valorem* duty in respect of the price or consideration money therein set forth.

And where any lands, or other property, contracted to be purchased by two or more persons jointly, or by any person for himself and others, or wholly for others, at one entire price for the whole, shall be conveyed in parts or parcels by separate deeds, orders, decrees, or instruments to the persons for whom the same shall be purchased for distinct parts or shares of the purchase-money, the principal or only deed, order, decree, or instrument of conveyance of each separate part or parcel shall be charged with the said *ad valorem* duty, in respect of the sum of money therein specified as the consideration for the same.

But if separate parts or parcels of such land, or other pro-

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perty,

perty, shall be conveyed to, or to the use of, or in trust for, different persons, in and by one and the same deed, order, decree, or instrument, then such deed, order, decree, or instrument shall be charged with the said *ad valorem* duty, in respect of the aggregate amount of the purchase or consideration moneys therein mentioned to be paid, or agreed to be paid for the lands or property thereby conveyed.

And where any person, having contracted for the purchase of any lands or other property, but not having obtained a conveyance thereof, shall contract to sell to any other person, and the same shall, in consequence, be conveyed immediately to the sub-purchaser, the principal or only deed, order, decree, or instrument of conveyance shall be charged with the said *ad valorem* duty, in respect of the purchase or consideration money therein mentioned to be paid, or agreed to be paid by the sub-purchaser.

And where any person, having contracted for the purchase of any lands, or other property, but not having obtained a conveyance thereof, shall contract to sell the whole, or any part or parts thereof, to any other person or persons, and the same shall, in consequence, be conveyed by the original seller to different persons in parts or parcels, the principal or only deed, order, decree, or instrument of conveyance of each part or parcel thereof, shall be charged with the said *ad valorem* duty, in respect only of the purchase or consideration money, which shall be therein mentioned to be paid, or agreed to be paid for the same by the person or persons to whom, or to whose use, or in trust for whom the conveyance shall be made, without regard to the amount of the original purchase-money.

But where any sub-purchaser shall take an actual conveyance of the interest of the person immediately selling to him, which shall be chargeable with the said *ad valorem* duty, in respect of the purchase or consideration money paid, or agreed to be paid by him, and shall be duly stamped accordingly, any deed, order, decree, or instrument of conveyance to be afterwards made to him of the property in question, by the original seller, shall be exempted from the said *ad valorem* duty, and be charged only with the ordinary duty on deeds, orders, decrees, or instruments of the same kind, not upon a sale.

And where any lands, or other property, separately contracted to be purchased of different persons, at separate and distinct prices, shall be conveyed to the purchaser, or as he shall direct, in and by one and the same deed, order, decree, or instrument, such deed, order, decree, or instrument shall be charged with the said *ad valorem* duty in respect of the aggregate amount of the purchase or consideration-moneys therein mentioned to be paid, or agreed to be paid for the same.

And



£. s. d.

And where any lands or other property shall be sold and conveyed in consideration wholly, or in part, of any sum of money charged thereon, by way of mortgage, or otherwise, and then due and owing to the purchaser, or shall be sold and conveyed, subject to any mortgage, bond, or other debt, or to any gross or entire sum of money to be afterwards paid by the purchaser, such sum of money, or debt, shall be deemed the purchase or consideration-money, or part of the purchase or consideration-money, as the case may be, in respect whereof the said *ad valorem* duty is to be paid: *Provided*, where the mortgagee, or other person in the situation of mortgagee, shall become the purchaser of the equity of redemption, the duty shall be charged upon the true and real value of the property, as if the same stood unmortgaged, such value to be calculated and ascertained as if [is] hereinafter directed in this schedule, under the head of settlement.

And where, upon the sale of any annuity or other right, not before in existence, the same shall not be created by actual grant or conveyance, but shall only be secured by bond, warrant of attorney, covenant, contract, or otherwise, the bond, or other instrument by which the same shall be secured, or some one of such instruments, if there be more than one, shall be deemed and taken to be liable to the same duty as an actual grant or conveyance.

And where there shall be several deeds, orders, decrees, instruments, or writings for completing the title to the property sold, such of them as are not liable to the *ad valorem* duty, to which the same may be liable, and which shall, upon the face thereof, refer to the principal deed, order, decree, or instrument, bearing the *ad valorem* stamp, shall be charged with the duty to which the same may be liable, under any general or particular description of such deeds, orders, decrees, instruments, or writings, contained in this schedule: *Provided*, That when any deed, order, decree, instrument, or writing, not liable to such *ad valorem* stamp, shall be tendered to the secretary of this island for the purpose of being recorded, the principal deed, order, decree, or instrument, bearing the said *ad valorem* stamp, shall also be produced, and the fact of such production, and the amount of such *ad valorem* stamp, shall be certified by the secretary on such other deed, order, decree, or instrument, and such certificate shall be deemed sufficient evidence of the said *ad valorem* duty having been impressed on the principal deed, order, decree, or instrument, without its being necessary to produce the same in evidence.

And where, in any case not hereby expressly provided for, of several deeds, orders, decrees, instruments, or writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall

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£. s. d.

be so deemed, and to pay the said *ad valorem* duty thereon accordingly; and the other deeds, orders, decrees, instruments, or writings, on which the doubt shall have arisen, shall, upon the face of each of them, refer to the principal deed as bearing the *ad valorem* duty.

And where there shall be duplicates of any deed, order, decree, or instrument, chargeable with the said *ad valorem* duty, exceeding two pounds, one of them only shall be charged therewith, and the other or others shall be charged with the ordinary duty on deeds, orders, decrees, or instruments of the same kind, not upon a sale.

And where any deed, order, decree, or instrument, operating as a conveyance on the sale of any property, shall operate also as a conveyance of any other than the property sold by way of settlement, or for any other purpose, or shall also contain any other matter or thing besides what shall be incident to the sale and conveyance of the property sold, or relate to the title thereto, every such deed, order, decree, or instrument, shall be charged, in addition to the duty to which it shall be liable, as a conveyance on the sale of property, with such further stamp duty, as any separate deed, order, or decree, containing the other matter, would have been chargeable with.

EXEMPTION FROM ANY STAMP DUTY UNDER THE PRECEDING HEAD  
"CONVEYANCE."

Any deed, order, decree, or instrument, whereby any policy of assurance on the life of any person, or for the insurance of any property, shall be assigned or transferred by the insurer to any person, the original policy having been duly stamped.

EXEMPTION FROM ALL STAMP DUTIES WHATEVER

Conveyance of land as a site for any church or chapel of any religious denomination.

COPARTNERSHIP.

On all articles of copartnership, or other agreement to that effect

1 6 6

CUSTOMS' WARRANTS.

On and from the first day of January, one thousand eight hundred and sixty-five, on customs' warrants, inwards and outwards, per set

0 0 3

DEEDS.

On every deed, order, decree, or other instrument executed

wholly



£. s. d.

wholly out of this island, and not bearing the British *ad valorem* stamp, the same duty as is hereby imposed on deeds or instruments of a like nature executed in this island.

On every deed, order, decree, or instrument, executed partly out of this island and partly in this island, and on which the British *ad valorem* duty shall have been impressed, one half the duty imposed on deeds or instruments of a like nature, executed wholly in this island.

And on every deed, order, decree, or instrument, wholly executed out of this island, and bearing the British *ad valorem* stamp, the like *ad valorem* duty as on deeds executed in this island, or in the option of the parties, a duty of 3 6 6

Duplicate or counterpart of any deed, order, decree, or instrument whatsoever, chargeable with any stamp duty or duties under this schedule, where the stamp duty or duties chargeable as aforesaid shall not amount to the sum of thirteen shillings and six pence, the same duty or duties as shall be chargeable upon the original deed, order, decree, or instrument.

And when the stamp duty or duties shall amount to the sum of thirteen shillings and sixpence or upwards ... 0 13 6

On every deed of any kind whatever, not otherwise charged in this schedule, nor expressly exempted from all stamp duty ... 0 13 6

## ESCHEATS.

On every patent of escheat, if, by the judgment in escheat, the premises shall appear to be of or under the value of two hundred pounds ... 6 13 6

And if the same shall exceed two hundred pounds, then, for every additional one hundred pounds, and also for any fractional part of one hundred pounds ... 3 6 6

On every letter of preference for escheat ... 1 6 6

## KETTUBAH.

On every kettubah, or Jewish contract of marriage, the same stamps as on settlements.

## LEASE.

Lease of any lands or hereditaments, granted in consideration of a sum of money, by way of fine, premium, or other gross sum paid for the same without any yearly rent, or with any yearly, under twenty pounds

The same duty as for the conveyance on the rate of lands for a sum of money, or the same amount.

Lease

£. s. d.

Lease of any lands or hereditaments at a yearly rent, without any sum of money, by way of fine, premium, or other gross sum paid for the same.

Where the yearly rent shall not amount to one hundred pounds ... 0 13 6

And where the same shall amount to one hundred pounds, and not amount to two hundred pounds ... 1 0 0

And where the same shall amount to two hundred pounds, and not amount to three hundred pounds ... 1 6 6

And where the same shall amount to three hundred pounds, and not amount to five hundred pounds ... 2 0 0

And where the same shall amount to five hundred pounds, and not amount to one thousand pounds ... 2 13 6

And where the same shall amount to one thousand pounds, or upwards ... 4 0 0

And where such rent shall progressively increase, then the amount of duty, payable upon the highest rent reserved.

Lease of any lands or hereditaments, granted in consideration of a sum of money, by way of fine, premium, or other gross sum, and also of a yearly rent, amounting to twenty pounds, or upwards. Both the duties payable for a lease, in consideration of a fine only, and for a lease for a term of years, are payable on the amount of rent reserved thereon.

Lease not otherwise charged in this schedule, and for the counterpart or duplicate of any lease whatsoever ... 0 13 6

And where any lease shall be granted for a consideration, by way of fine, premium, or other gross sum, payable in produce, or the yearly rent shall be so payable, then, and in such case, such produce shall be estimated for the purpose of reducing the same to a pecuniary value, at and after the rates following :

For each hogshead of sugar ... 12 0 0

For each puncheon of rum ... 10 0 0

For each tierce of coffee ... 12 0 0

And the duty shall be charged on the amount arising on such estimate, as if the fine, premium, or other gross sum or yearly rent had been expressed in money.

**EXEMPTION FROM ANY STAMP DUTY UNDER THE PRECEDING HEAD**  
"LEASE."

Leases of waste or uncultivated land to any person, for any

term



£. s. d.

term not exceeding three lives, or ninety-nine years, where the fine shall not exceed five shillings, nor the reserved rent one pound one shilling per annum, and the counterparts or duplicates of all such leases.

## LEGACIES.

On every receipt, or other discharge for any legacy given by any will, or testamentary instrument, or for the clear residue (when devolving to one person), and for every share of the clear residue (when devolving to two or more persons) of the personal estate of any person (after deducting debts, funeral expenses, legacies, and other charges first payable thereout), whether the title to such residue, or any share thereof, shall accrue by virtue of any testamentary disposition, or upon a partial or total intestacy.

Where such legacy, residue, or share of residue shall amount to fifty pounds, and be under one hundred pounds	2	13	6
To one hundred pounds, and be under two hundred pounds	4	0	0
To two hundred pounds, and be under three hundred pounds	5	6	6
To three hundred pounds, and be under four hundred pounds	8	0	0
To four hundred pounds, and be under five hundred pounds	10	13	6
To five hundred pounds, and be under six hundred pounds	13	6	6
To six hundred pounds, and be under seven hundred pounds	16	0	0
To seven hundred pounds, and be under eight hundred pounds	18	13	6
To eight hundred pounds, and be under nine hundred pounds	21	6	6
To nine hundred pounds, and be under one thousand pounds	24	0	0
And for every additional one hundred pounds, or fractional part thereof, the further sum of	2	13	6

And the person or persons receiving any such legacy, residue, or share of residue, is and are hereby declared to be charged and chargeable with the payment of the stamp duties hereby imposed, and not the heir, executor, or administrator of the deceased, unless when otherwise directed by the will.

EXEMPTIONS FROM ANY STAMP DUTY UNDER THE PRECEDING HEAD  
"LEGACIES."

Legacies and residues, or shares of residue of any such estate or effects as aforesaid, given, or devolving to, or for the benefit of, the husband or wife, children or grand children of the deceased.

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LETTERS.

## LETTERS.

- On every letter of marque ... 26 15 6
- On every letter, or power of attorney, and every decree or order of the court of chancery of England, or of this island, or other competent jurisdiction or authority, operating as a power for the recovery of debts in this island, or for the sale of property ... 1 6 6
- On every letter, or power of attorney, and every decree or order of the court of chancery of England, or of this island, or other competent jurisdiction or authority, operating as a power for managing any pen, plantation, or sugar estate or estates, and whether the same shall or shall not include a power for the recovery of debts, or other purposes ... 4 0 0
- On every letter, or power of attorney, and every decree or order of the court of chancery of England, or of this island, or other competent jurisdiction or authority, operating as a power for managing premises mentioned in any such power, which consist of only a place of residence, habitation, or woodlands not opened, or common pasture, and whether the same shall or shall not include a power for the sale of such property, or for the recovery of debts ... 1 6 6
- On every letter, or power of attorney, and every decree or order of the court of chancery of England, or of this island, or other competent jurisdiction or authority, operating as a power authorizing a party to acknowledge payment, and satisfaction of a mortgage demand ... 0 4 0
- On every other letter, or power of attorney, or decree, or order as aforesaid, not herein charged with a stamp duty, or exempted from all stamp duty, and upon every substitution under a letter, or power of attorney, or any decree or order, as aforesaid ... 1 6 6
- But, in case any letter, or power of attorney, or decree, or order, shall not disclose what particular real estate is to be managed, it shall be lawful for the secretary of the island, or the person officiating for him, to require the production of a declaration, to be taken before a justice of the peace, stating the nature of the real estate, in order that the said officer may be satisfied that the proper stamp is impressed on such letter, power, or decree, or order.

## LICENSES.

- On every annual license to retail fire-arms ... 4 0 0
- On every annual license to hawkers and pedlars ... 1 6 6



	£.	s.	d.
On every annual license for selling gunpowder ...	4	0	0
On every license, to be taken out yearly by any banker or bankers, banking company, or corporation, or other person or persons who shall issue any promissory notes for money, payable to the Learer on demand, and allowed to be re-issued ...	66	13	6
On every marriage license ...	0	13	6

**MORTGAGE.**

Mortgage, further charge in security of, or affecting any lands, estate, or property, real or personal, whatsoever.

Also any conveyance, order, decree, or instrument disposing of any lands, estate, or property whatsoever, in trust to be sold, or otherwise converted into money, which shall be intended only as a security, and shall be redeemable before the sale or other disposal thereof, either by express stipulation or otherwise, except where such conveyance, order, decree, or instrument shall be made for the benefit of creditors generally, or for the benefit of creditors specified, who shall accept the provision made for payment of their debts, or who shall exceed five in number.

Also any defeazance, declaration, or other deed, order, or decree of the court of chancery of England, or of this island, or writing for defeating, or making redeemable, or explaining, or qualifying any conveyance of any lands, estate, or property whatsoever, which shall be apparently absolute, but intended only as a security.

Also any agreement, contract, or bond, accompanied with a deposit of title deeds for making a mortgage, or such other security, or conveyance, or instrument as aforesaid of any lands, estate, or property, comprized in such title deeds, or for pledging or charging the same as a security.

When the same respectively shall be made as a security for the payment of any definite and certain sum of money advanced or lent at the time, or previously due and owing, or forborne to be paid, being payable:

Not exceeding one hundred pounds ...	0	13	6
Exceeding one hundred pounds, and not exceeding two hundred pounds ...	1	0	0
Exceeding two hundred pounds, and not exceeding three hundred pounds ...	1	6	6
Exceeding three hundred pounds, and not exceeding four hundred pounds ...	1	13	6
4 T 2 ...	Exceeding		

	£.	s.	d.
Exceeding four hundred pounds, and not exceeding five hundred pounds	2	0	0
Exceeding five hundred pounds, and not exceeding six hundred pounds	2	6	6
Exceeding six hundred pounds, and not exceeding seven hundred pounds	2	13	6
Exceeding seven hundred pounds, and not exceeding eight hundred pounds	3	0	0
Exceeding eight hundred pounds, and not exceeding nine hundred pounds	3	6	6
Exceeding nine hundred pounds, and not exceeding one thousand pounds	3	13	6
Exceeding one thousand pounds, and not exceeding one thousand five hundred pounds	5	6	6
Exceeding one thousand five hundred pounds, and not exceeding two thousand pounds	7	0	0
Exceeding two thousand pounds, and not exceeding two thousand five hundred pounds	8	13	6
Exceeding two thousand five hundred pounds, and not exceeding three thousand pounds	10	6	6
Exceeding three thousand pounds, and not exceeding three thousand five hundred pounds	12	0	0
Exceeding three thousand five hundred pounds, and not exceeding four thousand pounds	13	13	6
Exceeding four thousand pounds, and not exceeding four thousand five hundred pounds	15	6	6
Exceeding four thousand five hundred pounds, and not exceeding five thousand pounds	17	0	0
Above five thousand pounds	20	0	0

And where the same respectively shall be made as a security for the re-payment of money, to be thereafter lent, advanced, or paid, or which may become due upon an account current, together with any sum already advanced, or due, or without, as the case may be, other than and except any sum or sums of money, to be advanced for the insurance of any property comprized in such mortgage or security against damage by fire, or to be advanced for the insurance of any life or lives, pursuant to any agreement in any deed, whereby any annuity shall be granted or secured for such life or lives:



£. s. d.

If the total amount of the money secured, or to be ultimately recoverable thereupon, shall be limited, not to exceed a given sum, the same duty as on a mortgage for such limited sum.

And if the total amount of the money secured, or to be ultimately recoverable thereon, shall be uncertain, and without any limit, then the same shall be available as a security or charge for such an amount only of money or stock intended to be thereby secured as the *ad valorem* duty denoted by any stamp or stamps thereon will extend to cover.

Any transfer or assignment of any such other security as aforesaid, or of the benefit thereof, or of the money thereby secured.

When no further sum of money shall be added to the principal money already secured ...

0 13 6

But no such deed, order, decree, or instrument as aforesaid shall, in any of the said several cases, be chargeable with any further or other sum than is herein expressly provided, by reason of its containing any further or additional security for the payment of such money, or any interest thereon, or any new covenant, proviso, power, stipulation, or agreement, or other matter whatever in relation to such money, or the interest thereon, or by reason of its containing all or any of such matters.

Any deed, order, decree, or instrument made for the further assurance only of any estate or property, which shall have been already mortgaged, pledged, or charged as a security by any deed, order, decree, or instrument, which shall have paid the *ad valorem* duty on mortgages or bonds, under any act or acts in force at the time of making such last-mentioned deed, order, decree, or instrument.

Also any deed, order, decree, or instrument made as an additional or further security for any sum or sums of money which shall have been already secured by any deed or instrument, which shall have paid the said *ad valorem* duty on mortgage or bond chargeable as aforesaid

0 13 6

If any further sum of money shall be added to the principal money already secured, such deed, order, decree, or instrument for further assurance, or additional or further security, either by the mortgagor, or by any person entitled to the property by descent, devise, or bequest from such mortgagor, shall be chargeable only with the *ad valorem* duty on mortgages under this act, in respect of such further sum of money, in lieu of the duty aforesaid, notwithstanding the same deed, order, decree, or instrument may contain any covenant either by the mortgagor, or by any person entitled as aforesaid, proviso, power, stipu-

lation.

lation, or agreement whatsoever, in relation to the money already secured, or the interest thereon.

Where several distinct deeds, orders, decrees, or instruments falling within the description of any of the instruments, hereby charged with the said *ad valorem* duty on mortgages, shall be made at the same time for securing the payment or transfer of one and the same sum of money, the said *ad valorem* duty, if exceeding two pounds, shall be charged only on one of such deeds, orders, decrees, or instruments, and all the rest shall be charged with the duty to which the same may be liable under any more general description of the same, contained in this schedule.

EXEMPTIONS FROM THE SAID AD VALOREM DUTY ON MORTGAGES, ET CETERA, BUT NOT FROM ANY OTHER DUTY TO WHICH THE SAME MAY BE LIABLE.

Any deed, order, decree, or other instrument, made in pursuance of, and in conformity to, any agreement, contract, or bond charged with, and which shall actually have paid the said *ad valorem* duty.

Any deed, order, decree, or other instrument, made for the further assurance only of any estate or property already mortgaged, pledged, or charged as security by any deed, order, decree, or instrument which shall have paid the said *ad valorem* duty hereby charged.

Any deed, order, decree, or other instrument made, as an additional or further security for any sum or sums of money already secured by any deed, order, decree, or instrument, which shall have paid the said *ad valorem* duty hereby charged, to be exempt from the said *ad valorem* duty hereby charged, so far as regards such sum or sums of money, in case such additional or further security shall be made by the same person or persons who made the original security; but if any further sum of money shall be added to the principal money already secured, or shall be thereby secured to any other person, the said *ad valorem* duty shall be charged in respect of such further sum of money.

Any deed, order, decree, or instrument, whereby any policy of assurance on the life of any person, or for the insurance of any property, shall be assigned or transferred by the insurer to any person as a security for money lent or advanced, the original policy having been duly stamped, as by this act is required.

And the deeds, orders, decrees, and instruments hereby exempted from the said *ad valorem* duty shall, on the face of them, refer to the deed, order, decree, or instrument bearing the *ad valorem* duty: *Provided*, That when any deed, order, decree, instrument, or writing, not liable to



£. s. d.

such *ad valorem* duty shall be tendered to the secretary of this island for the purpose of being recorded, the principal instrument bearing the said *ad valorem* stamp, shall also be produced; and the fact of such production, and the amount of such *ad valorem* stamp, shall be certified by the secretary on such other instrument; and such certificate shall be deemed sufficient evidence of the said *ad valorem* duty having been impressed on the principal one, without its being necessary to produce the same in evidence.

MORTGAGES, ET CETERA, with a conveyance of the equity or right of redemption, or reversion, or other matter, in the same instrument.

Where any instrument shall operate as a mortgage, or other instrument hereby charged with the *ad valorem* duty on mortgages, and also as a conveyance of the equity, or right of redemption, or reversion of any lands, estate, or property therein comprised to, or in trust for, or according to the direction of, a purchaser, such instrument shall be charged, not only with the said *ad valorem* duty on mortgages, but also with the said *ad valorem* duty hereinbefore charged on a conveyance upon the sale of any property; but where the equity, or right of redemption, or reversion, shall be thereby conveyed, or limited in any other manner, such instrument shall be charged only as a mortgage.

And, in all other cases where a mortgage, or other instrument, hereby charged with the *ad valorem* duty on mortgages, shall be contained in one and the same deed, order, decree, or writing, with any other matter or thing (except what shall be incident to such mortgage, or other instrument), such deed, order, decree, or writing shall be charged with the same duties as such mortgage or other instrument, and such other matter or thing would have been separately charged with, if contained in separate deeds or writings.

## ORDERS.

On every order to a minister to publish in his church the intention of a party to apply to the legislature for a private bill 4 0 0

On every order for land, or any other beneficial order, under the sign manual, or seal at arms of the governor, for any sum exceeding twenty pounds ... 1 6 6

Order of the court of chancery of England, or of this island, or other competent jurisdiction or authority, relating to the sale, mortgage, or management of land, &c. (See CONVEYANCE—LETTERS OF ATTORNEY—MORTGAGE.)

PATENTS.

f. s. d.

PATENTS.

On every patent, not otherwise charged in this schedule, nor expressly exempted from all stamp duty	...	1	6	6
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EXEMPTION FROM ALL STAMP DUTY.

Patents of pardon.

PLATS.

On every plat, survey, or other surveyor's return, that shall be returned into any court or office, or annexed to any deed or other instrument	...	0	2	0
On every copy of a plat, survey, or other surveyor's return that shall be issued from any public office	...	0	2	0

POLICIES.

On every policy of assurance, or insurance, or other instrument, by whatsoever name the same shall be called, whereby any assurance shall be made of, or upon any building, plantation, goods, wares, merchandize, or other property, from loss or damage by fire only.

Where the sum insured shall not exceed one hundred pounds	0	5	6	
And for every additional one hundred pounds, or fractional part thereof up to five hundred pounds	...	0	5	6
And where it shall exceed five hundred pounds, and not exceed one thousand pounds	...	2	0	0
And where it shall exceed one thousand pounds, and not exceed two thousand pounds	...	2	13	6
And where it shall exceed two thousand pounds, and not exceed five thousand pounds	...	4	0	0
And where it shall exceed five thousand pounds	...	6	13	6

On every policy of assurance, or insurance, or other instrument, by whatever name the same shall be called, whereby any assurance shall be made upon any ship or vessel, or upon any goods, merchandize, or other property on board of any ship or vessel, or upon the freight of any ship or vessel, or upon any other interest in or relating to any ship or vessel, which may lawfully be insured.

Where the sum insured shall not exceed two hundred pounds	0	4	0
Where the sum insured shall exceed two hundred pounds, and not exceed five hundred pounds	...	0	6
			6
			And



£. s. d.

And if the whole sum insured shall exceed five hundred pounds, then for every five hundred pounds, and also for any fractional part of five hundred pounds, whereof the same shall consist 0 3 6

On every policy of assurance, or insurance, or other instrument, by whatever name the same shall be called, whereby any insurance shall be made upon any life or lives, or upon any event or contingency relating to, or depending upon, any life or lives:

Where the sum insured shall amount to one hundred pounds 0 2 6

And upon every additional one hundred pounds, up to one thousand pounds, the further sum of ... 0 2 6

And if the sum insured shall exceed one thousand pounds, then, for every five hundred pounds, and also for any fractional part of five hundred pounds, whereof the same shall consist 0 6 6

But any insurances effected for periods less than twelve months shall be charged proportionately at the rates aforesaid, according to the fractional parts of a year for which they may be respectively, effected.

## PRESENTATIONS.

On every presentation to a benefice, or church living 13 6 6

## EXEMPTION.

Every case of simple and *bonâ fide* exchange of benefices between rectors, or between island curates, or stipendiary curates, allowed and taking place at the instance of the respective incumbents.

## PROMISSORY NOTE FOR THE PAYMENT TO THE BEARER, ON DEMAND.

Of any sum of money, not exceeding one pound	...	0 0 3
Exceeding one pound, and not exceeding two pounds	...	0 0 6
Exceeding two pounds, and not exceeding five pounds	...	0 1 0
Exceeding five pounds, and not exceeding ten pounds	...	0 2 0
Exceeding ten pounds, and not exceeding twenty pounds		0 3 0
Exceeding twenty pounds, and not exceeding thirty pounds		0 4 0
Exceeding thirty pounds, and not exceeding fifty pounds		0 5 0
Exceeding fifty pounds, and not exceeding one hundred pounds		0 10 0

Which said notes may be re-issued after payment thereof, as often as shall be thought fit.

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PROMISSORY

	f.	s.	d.
<b>PROMISSORY NOTE FOR THE PAYMENT TO THE BEARER, OR TO ORDER, AT ANY TIME AFTER DATE OR SIGHT THEREOF FOR THE PRINCIPAL SUM.</b>			
Exceeding ten pounds, and not exceeding thirty pounds ...	0	0	3
Exceeding thirty pounds, and not exceeding fifty pounds ...	0	0	6
Exceeding fifty pounds, and not exceeding one hundred pounds ...	0	1	6
Exceeding one hundred pounds, and not exceeding two hundred pounds ...	0	2	0
Exceeding two hundred pounds, and not exceeding five hundred pounds ...	0	4	0
Exceeding five hundred pounds, and not exceeding one thousand pounds ...	0	6	6
Exceeding one thousand pounds, and not exceeding two thousand [pounds] ...	0	13	6
Exceeding two thousand [pounds] ...	1	6	6
Promissory note for the payment of any sum of money by instalments, or for the payment of several sums of money at different days or times, so that the whole of the money to be paid shall be definite and certain	The same duty as on a promissory note, payable to bearer, or to order, at any time after date or sight thereof.		

And the following instruments shall be deemed and taken to be promissory notes, within the intent and meaning of this schedule, viz:

I owe you, or engagement, in writing, to pay money.

#### EXEMPTION: FROM THE FOREGOING, AND ALL OTHER STAMP DUTIES.

All promissory notes for the payment to the bearer, or to order, at any time after date or sight thereof, of sums under ten pounds.

#### PROTESTS.

On every protest, or other notarial act, under the hand of a notary public, or deputy notary public, done in this island 0 4 0

#### RECEIPT, OR DISCHARGE GIVEN FOR OR UPON THE PAYMENT OF MONEY, (THE DUTIES WHEREON SHALL BE PAID BY THE PARTY RECEIVING THE MONEY).

Amounting to ten pounds, and not amounting to fifty pounds 0 0 1½  
Amounting



Amounting to fifty pounds, and upwards	£. s. d.
...	0 0 3

And where any sum of money shall be therein expressed or acknowledged to be received in full of all demands	0 1 6
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And any note, memorandum, or writing whatsoever, given to any person for or upon the payment of money, whereby any sum of money, debt, or demand, or any part of any debt or demand therein expressed, shall be expressed or acknowledged to have been paid, settled, balanced, or otherwise discharged or satisfied, or which shall import or signify any such acknowledgment: And whether the same shall or shall not be signed with the name of any person, shall be deemed and taken to be a receipt for a sum of money of equal amount with the sum, debt, or demand so expressed or acknowledged to have been paid, settled, balanced, or otherwise discharged and satisfied, within the intent and meaning of this schedule, and shall be charged with a duty accordingly.

And any receipt, or discharge, note, memorandum, or writing whatsoever, given to any person for or upon the payment of money which shall contain, import, or signify any general acknowledgment of any debt, account, claim, or demand, debts, accounts, claims, or demands, whereof the amount shall not be therein specified, having been paid, balanced, settled, or otherwise discharged, or satisfied, or whereby any sum of money therein mentioned shall be acknowledged to be received in full, or in discharge, or satisfaction of any such debt, claim, account, or demand, debts, accounts, claims, or demands, and whether the same shall or shall not be signed with the name of any person, shall be deemed and taken to be a receipt in full, within the intent and meaning of this schedule, and shall be charged with the duty of one shilling and six pence accordingly.

*Provided*, That any letter, or one of divers letters, importing or signifying any receipt or acknowledgment, within the meaning of this schedule, may be stamped at any time before being tendered in evidence; and, where there are divers such letters, it shall suffice to stamp one of such letters, in relation to one transaction or claim.

And all receipts, discharges, and acknowledgments of the description aforesaid, which shall be given for, or upon payment made by or with any bills of exchange, drafts, promissory notes, or other securities for money, shall be deemed and taken to be receipts given upon the payment of money within the intent and meaning of this schedule.

#### RECEIPTS.

And all receipts or discharges which shall be given or granted to the receiver-general for or in respect of any moneys payable by him out of the public treasury (except moneys payable as drafts on island certificates and exchequer bills), other

f. s. d.

than as hereinafter excepted, shall be chargeable after the like scale of duty.

#### EXEMPTIONS FROM THE PRECEDING DUTIES ON RECEIPTS.

Receipts or discharges written upon promissory notes, bills of exchange, drafts, or orders for the payment of money, duly stamped, according to the laws in force at the date thereof.

Letters by the general post, acknowledging the safe arrival of any bills of exchange, promissory notes, or other securities for money.

Receipts for any moneys paid into any savings' bank of this island.

Receipts or discharges endorsed, or otherwise written upon, or contained in any bond, mortgage, or other security, or any conveyance, deed, or instrument whatever, duly stamped, according to the laws in force at the date thereof, acknowledging the receipt of the consideration-money therein expressed, or the receipt of any principal money, interest, or annuity thereby secured.

Releases or discharges for money by deeds duly stamped, according to the laws in force at the date thereof.

Receipts or discharges for the return of any duties of customs upon certificates of over entry.

Receipts given or granted by the receiver-general, or any of his deputies, or by any collector of dues, for or in respect of any public, or parochial, or other taxes or duties, or given or granted by the justices and vestry of any parish, or the common council of Kingston.

Receipts or acknowledgments, on the records of the secretary's office, of the payment of a mortgage debt.

#### RECEIPTS.

On every receipt granted by the island secretary, for deeds or papers recorded in his office	...	...	0	2	0
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On every receipt granted by the island secretary, for recording annual returns of attorneys or trustees, commonly called "Crop Accounts"	...	...	0	4	0
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#### SETTLEMENTS.

Any deed, or any order or decree of the court of chancery of England, or of this island, or other jurisdiction or authority, or instrument whatever, whether voluntary or gratuitous, or upon any good or valuable consideration other than a *bond fide* pecuniary consideration, whereby any certain and definite



£. s. d.

sum or sums of money (whether charged or chargeable on lands or other hereditaments or not, or to be laid out in the purchase of lands or other hereditaments or not, and, if charged or chargeable on lands or other hereditaments, whether to be raised at all events or not, or whereby any lands, tenements, rents, annuities, or other property, real or personal, or any right, title, interest, or claim into, out of, or upon, any lands, tenements, rents, annuities, or other property shall be settled, or agreed to be settled upon, or for the benefit of any person or persons, either in possession or reversion, either absolutely, or conditionally, or contingently, or for life, or other partial interest, or in any other manner whatsoever.)

If such sum or sums of money, or the value of such property, shall not amount to one thousand pounds	...	1	6	6
And if the same shall amount to one thousand pounds, and not amount to two thousand pounds	...	2	13	6
And if the same shall amount to two thousand pounds, and not amount to three thousand pounds	...	4	0	0
And if the same shall amount to three thousand pounds, and not amount to four thousand pounds	...	5	6	6
And if the same shall amount to four thousand pounds, and not amount to five thousand pounds	...	6	13	6
And if the same shall amount to five thousand pounds, and not amount to six thousand pounds	...	8	0	0
And if the same shall amount to six thousand pounds, and shall not amount to seven thousand pounds	..	10	0	0
And if the same shall amount to seven thousand pounds, or upwards	... ..	13	6	6

*Note.*—The value of such property, if real estate, to be ascertained from the roll, or last collected roll of the assessment of property, if there inserted; if not, or if property of any other nature, by a declaration of the true and real value of the same.

EXEMPTIONS FROM STAMP DUTIES UNDER THE PRECEDING HEAD  
"SETTLEMENTS."

Bonds, mortgages, and other securities operating as settlements, if chargeable with the *ad valorem* duties on bonds and mortgages hereinbefore granted.

Deeds, or instruments of appointment, apportionments in execution of powers given by any previous settlement, deed, or will to, or in favor of, persons specially named or described as the object of such powers.

Deeds, or instruments merely declaring the trusts of any mo-

ney,

£. s. d.

ney, pursuant to any previous settlement, deed, or will, or for securing any gifts or dispositions made by any previous settlement, deed, or will.

Wills, testaments, and testamentary instruments, and dispositions, *mortis causâ*, of every description.

## SCHEDULE.

Inventory, or catalogue of any lands or hereditaments, or of any furniture, fixtures, or other goods or effects, or containing the terms and conditions of any proposed sale or lease, or the conditions and regulations for the cultivation and management of any estate, plantation, pen, or other property leased, or agreed to be leased, or containing any other matter or matters of contract or stipulation whatsoever, which shall be referred to, in, or by, and be intended to be used or given in evidence as part of, or as material to, any agreement, lease, bond, deed, order, decree, or other instrument charged with any duty, but which shall be separate and distinct from, and not endorsed on, or annexed to, such agreement, lease, bond, deed, order, decree, or other instrument.

Where any such inventory, schedule, or catalogue shall be so referred to, in, or by any such agreement, lease, bond, deed, order, decree, or such other instrument as aforesaid, chargeable with any stamp duty, not exceeding ten shillings, the same duty as shall be so chargeable on such agreement, lease, bond, deed, order, decree, or other instrument.

And where any such schedule, inventory, or catalogue shall be referred to, in, or by any lease, bond, deed, order, decree, or such other instrument as aforesaid, chargeable with a stamp duty exceeding ten shillings, then for every additional pound of the amount of the last-mentioned duty, a further progressive duty of

0 1 6

## WARRANTS.

On every pilot's warrant for one port	...	8 0 0
And for more than one port	...	13 6 6
On every warrant and appointment of interpreter of foreign languages	...	2 0 0
On every warrant or appointment of health-officer in Kingston	...	20 0 0
On every warrant or appointment of health-officer at Montego-Bay or Falmouth	...	10 0 0
And on every warrant or appointment of health-officer for any other port	...	6 13 6

And



	£.	s.	d.
And on every warrant of quarter-gunner of a fort on the island establishment	24	0	0

## GENERAL EXEMPTIONS FROM ALL STAMP DUTIES.

All acts of the legislative council and assembly, proclamations, acts of state, votes, or matters printed by order of either branch of the legislature, or of any vestry in the island, inquisitions, and other proceedings taken before any coroner or magistrate; all proceedings for enforcing militia duties.

All probates, or acknowledgements of any deed, or instrument in writing, written in any part thereof, or annexed thereto.

All accounts of produce, commonly called crop accounts.

All bonds, and other official documents whatsoever, relating to the service of her majesty's customs in this island, her majesty's commissariat or ordnance department; or any military or naval board in this island, or relating to the public service in this island.

All leaves of absence to persons holding honorary appointments.

## [PART THE SECOND.]

*Containing the Duties on Law and other Proceedings.*

## AFFIDAVITS.

On every affidavit, whether joint or several, in one suit or matter, to be filed, read, or used in the court of chancery	0	4	0
For each additional suit or matter	0	4	0
In any other court in this island	0	2	0

## ANSWER.

In the court of chancery.	{ To any bill or information	...	2	0	0
	{ On affidavit in answer by a respondent to any cause petition	...	2	0	0

## APPEARANCE.

On every appearance of a defendant or respondent in chancery	0	2	0
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## APPOINTMENT.

On every appointment of bailiff of the crown, guardianship, or committee of a lunatic	3	6	6
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## ATTACHMENT.

On every attachment issuing out of the court of chancery	0	8	0
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## ATTESTATIONS.

£. s. d.

## ATTESTATIONS.

On every public attestation to an appeal from the court of chancery	...	...	3	6	6
From any other court	...	...	2	13	6
On every attestation or exemplification that shall pass the seal of this island, or of any court thereof	...	...	1	6	6

## BILL.

On every bill in chancery	...	...	3	6	6
On every information in chancery	...	...	3	6	6

## CAUSE PETITION.

On every original cause petition	...	...	3	6	6
Supplemental ditto	...	...	1	0	0

## CERTIFICATES.

On every certificate of an officer of any court of judicature, or public office in this island, or from any clerk of the peace in this island	...	...	0	2	0
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## CITATION.

On every citation out of the court of chancery	...	...	0	8	0
Out of any other court	...	...	0	2	0

## CLAIM.

On every claim, or proof of debt, filed or lodged in the master's office	...	...	0	6	6
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## COMMISSION.

On every commission out of the court of chancery, supreme court, or any other court of judicature in this island	...	...	0	13	6
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## COURT OF ORDINARY.

On every will bond, or on the dedimus to prove the will, at the option of the island secretary, and on every administration bond, where the personal property is under twenty pounds	...	...	0	13	6
Amounting to twenty pounds, and under fifty pounds	...	...	1	6	6
Amounting to fifty pounds, and under eighty pounds	...	...	2	0	0
Amounting to eighty pounds, and under one hundred pounds	...	...	2	13	6
Amounting	...	...			



	£.	s.	d.
Amounting to one hundred pounds, and under one hundred and fifty pounds	4	0	0
Where the personal property amounts to one hundred and fifty pounds, and is under two hundred pounds	5	6	6
Amounts to two hundred pounds, and under two hundred and fifty pounds	6	13	6
Amounts to two hundred and fifty pounds, and under three hundred pounds	8	0	0
Amounts to three hundred pounds, and under three hundred and fifty pounds	9	6	6
Amounts to three hundred and fifty pounds, and under four hundred pounds	10	13	6
Amounts to four hundred pounds, and under four hundred and fifty pounds	12	0	0
Amounts to four hundred and fifty pounds, and under five hundred pounds	13	6	6
And for every additional one hundred pounds, or fractional part, the further sum of	2	13	6

And no will bond, or administration bond, shall issue out of the court of ordinary of this island until a declaration, by the executor, proving the will, or the person to whom the grant of administration has been made, of the probable value of the deceased's estate has been produced to the island secretary by the party requiring the probate of a will or grant of administration: and should the inventory, upon being presented to be recorded, exceed the amount declared to, the additional duty, to make up such difference, shall be paid (less the discount allowed by the foregoing act, if such difference shall amount to five pounds), to the receiver-general, and the inventory shall be impressed with a stamp or stamps of the value or amount of such additional duty, and no such inventory shall be received until the production to the island secretary, of a receipt by the receiver-general, stating that such difference of duty (less discount, where allowable as aforesaid), has been paid into the stamp office; and thereupon the island secretary shall notify the fact on the original inventory, and on the record thereof respectively.

And, in all cases, where probate or administration shall have been commenced before the coming into operation of this act, and in which the aforesaid *ad valorem* duty shall not have attached, there shall be impressed upon each of the following instruments remaining to be taken out, *videlicet*:

The letters testamentary, or letters of administration, and on

	£.	s.	d.
every <i>dedimus potestatem</i> , and warrant of appraisement, a stamp duty of ... ..	0	13	6
On all articles, or any libel exhibited for the probate in solemn form of a will or codicil ... ..	3	6	6
Answer to such articles or libel ... ..	2	0	0

EXEMPTION FROM THE PRECEDING AND ALL OTHER STAMP DUTIES.

All will bonds, and administration bonds, relating to the estate of any common soldier or sailor who shall be slain, or shall die in her majesty's service (the same so appearing by a certificate under the hand of the officer under whom he served).

DEDIMUS.

On every <i>dedimus</i> issuing out of the court of chancery	0	13	6
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DEMURRERS.

On every demurrer in the court of chancery ...	0	13	6
In any other court ... ..	0	2	0

DEPOSITIONS.

On every engrossment of depositions or answers to interrogatories in any court of law or equity ...	0	13	6
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DISCLAIMER.

On every disclaimer in the court of chancery ...	0	13	6
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ENROLMENT.

On every enrolment of a final decree ...	3	6	6
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EXAMINATIONS

(See Depositions.)

EXCEPTIONS.

On every exception, or set of exceptions in a cause in chancery	0	13	6
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EXECUTIONS.

On every writ of execution out of the court of chancery	0	13	6
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EXEMPLIFICATIONS OF WILLS AND OF JUDICIAL AND OTHER PROCEEDINGS.

(*Vide* paper st.mps.)

GUARDIANSHIP.



£. s. d.

## GUARDIANSHIP.

On every letter or appointment or guardianship, issuing out of the court of chancery	...	...	3	6	6
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## INFORMATIONS.

(See bills in chancery.)

## INTERROGATORIES.

In every court of law or equity, or court of ordinary	0	13	6
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## INQUISITIONS.

On every inquisition in extent, the subject of one writ	0	6	6
And for every additional writ included in such inquisition	0	4	0
On every other inquisition, the subject of writs issued from the supreme court			

## JUDGMENTS.

On every authority for entering satisfaction on a judgment	0	1	6
On every assignment of a judgment	...	0	4 0
On every authority for entering satisfaction on a judgment, obtained in any court of common pleas	...	0	1 6
On every distress warrant under twenty shillings in the petty debt court in any parish	...	0	0 3
On every distress warrant under forty shillings ditto	...	0	0 6
On every distress warrant above forty shillings ditto	...	0	0 9

## MANUCAPTION.

On every manucaption	...	...	0	4	0
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## NOTICE.

Of filing cause petition	...	...	0	4	0
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## OFFICE COPIES.

(See paper stamps).

## ORDERS.

On every attested copy order in any court of this island	0	2	0
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f. s. d.

## PETITIONS.

On every petition in any suit or matter in any court of this island, except in the court of chancery	...	0	2	0
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## IN THE COURT OF CHANCERY.

On every petition for a receiver, for a commission <i>de lunatico inquirendo</i> , or for grant or gift from the crown		2	0	0
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On every other petition (save cause petition)	...	0	6	6
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## PLEAS.

On special pleas in the court of chancery	...	0	13	6
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In any other court	...	0	2	0
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## RECOGNIZANCES.

On every recognizance in the court of chancery	...	2	0	0
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On every other recognizance, except in criminal cases, and in appeals from the summary jurisdiction of magistrates		0	4	0
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On every recognizance in appeal from the summary jurisdiction of magistrates	...	0	2	0
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## REJOINDERS.

On one or more rejoinders in the court of chancery		0	6	6
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In any other court	...	0	2	0
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## REPLICATIONS.

On one or more replications in the court of chancery		0	6	6
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In any other court	...	0	2	0
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## SUBPŒNAS.

On every subpœna issuing out of the court of chancery		0	8	0
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On every subpœna issuing out of the supreme court of judicature in this island	...	0	0	6
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## SUMMONS.

One very original summons issued by justices of the peace, on the private prosecution of any party, or on the information to ground same, at the option of the party	...	0	1	6
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On each warrant issued by justices of the peace, on the private prosecution of any party, or on the information to ground same, at the option of the party	...	0	1	6
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## SUGGESTIONS.



£. s. d.

## SUGGESTIONS.

On every suggestion in the court of chancery	...	0	13	6
In any other court	... ..	0	2	0

## WARRANT.

(See next after SUMMONS.)

## WRITS.

On every writ of error	... ..	1	13	6
On every writ of <i>certiorari</i>	... ..	0	13	6
On every writ of partition	... ..	0	6	6
On every writ of emblements	... ..	0	6	6
On every writ of dower	... ..	0	6	6
On every writ of possession	... ..	0	6	6
On every writ, and on each process for contempt, issuing out of the court of chancery (except the writ of execution <i>ante</i> )		0	8	0
On every other writ issuing out of the supreme court	...	0	2	0

## EXEMPTIONS FROM THE PRECEDING AND ALL OTHER STAMP DUTIES.

All writs of *habeas corpus*, and all writs of summons or arrest, filed or lodged with declarations.

All motion papers in the supreme court of judicature, and the court of chancery of this island.

All side-bar rules entered up in the office of the clerk of the supreme court.

All rules and orders to compel the making up of issues in causes pending in the superior courts of law.

All notices in the chancery, supreme, and circuit courts of this island.

All pleas of the general issue, all imparlances and similiter.

All affidavits and declarations, made pursuant to any act of this island.

All process and proceedings for, or on the behalf of, any person legally admitted to sue or defend *in forma pauperis*, and all proceedings in criminal suits and prosecutions whatsoever.

[PART

## [PART THIRD.]

£. s. d.

## PAPER STAMPS.

All exemplifications of wills, and every other exemplification, all proceedings, and copies sent to this island to be recorded, used, or given in evidence in any court, which are not charged with any specific duty under this act, shall be subject to, and be impressed with the paper stamps hereinafter respectively specified.

All masters' reports in chancery; all accounts of guardians, trustees, mortgagees in possession, required to be recorded in the secretary's office of this island; inventories; all office copies, authenticated by the island secretary, clerk of the court, clerk of the crown, registrar in chancery, clerk of the patents, and registrar of the diocese, shall be written, transcribed, engrossed, or printed upon paper, vellum, or parchment of the descriptions hereinafter mentioned; and such paper, vellum, or parchment, and each sheet thereof, shall be stamped with the duties, and the same shall contain the number of lines hereinafter mentioned; and, for the purposes of this act, each and every side of the paper, vellum, and parchment shall be deemed a separate sheet.

Imperial and royal paper, or any paper, vellum, or parchment of the same size, and containing not more than forty lines of writing	...	...	0 4 0
And for every additional forty lines of writing, and also for any fractional part of forty lines of writing on the same sheet			0 4 0
Demy or medium paper, or any paper, vellum, or parchment of the same size, containing not more than thirty lines of writing			0 2 0
And for every additional thirty lines, and also for any fractional part of thirty lines of writing on the same sheet			0 2 0
Post paper, or any paper, vellum, or parchment of the same or smaller size, containing not more than twenty-four lines			0 1 6
And for every additional twenty-four lines, and also for any fractional part of twenty-four lines of writing on the same sheet	...	...	0 1 6

*Provided always*, That in respect to master's reports in chancery, and accounts current, it shall be lawful for any person to write the same upon both sides of a sheet of paper, without being liable to pay any further stamp duty than is hereby imposed upon one side of such paper.



## C A P. X.

*An act to raise a supply for the use of the government of this island, by a duty on articles imported, and to appropriate the same.*

**W**HEREAS it is requisite to provide means to meet the exigencies of the island: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Preamble.

*First*—On, from, and after the passing of this act, there shall be raised, levied, and paid to her majesty, for the use and benefit of the government of this island, upon the several articles imported into this island, and enumerated in the several schedules hereunto annexed, the several duties therein respectively set forth; and the several articles enumerated in the schedules, with the word “free,” set opposite thereto, shall respectively be admitted free of duty, with the exception of schedule B, the duties in which shall be taken and levied as on, from, and after the ninth day of December, one thousand eight hundred and sixty-four.

Duties in schedules imposed on all articles mentioned therein imported into this island.

*Second*—Each hogshead, puncheon, or tierce, imported into this island, and containing coals, manure, or any other article not liable to duty, shall be charged with the same duty that is chargeable upon hogshead, puncheon, and tierce shooks, under this act; and all packages containing goods, subject to the *ad valorem* duty imposed by this act, shall be free from such or any other duty.

Hogsheads, &amp;c. containing articles not liable to duty, to pay duty.

*Third*—The duties payable under this act shall be levied, recovered, and received by her majesty's officers of customs in this island, under the regulations, and by the means and powers of so much of an act, which passed the parliament of the united kingdom of Great Britain and Ireland in the sixteenth and seventeenth years of the reign of her majesty queen Victoria, chapter one hundred and seven, entitled “*An act to amend and consolidate the laws relating to the customs of the united kingdom, and of the Isle of Man, and certain laws relating to trade and navigation, and the British possessions,*” or of any subsequent act of the imperial parliament, as relates to the British possessions.

How duties may be levied.

*Fourth*—The moneys, the produce of the duties to be received by the means and powers of this act, shall be paid by the said officers of customs, in each and every week, into the hands of the receiver general for the time being, or into any bank or banks, as provided

Produce of duties to be paid to receiver-general, or into banks.

provided or directed by or according to law, and shall be applied as hereinafter directed.

Governor may appoint an inspector of invoices.

Duties of such inspector.

Proviso as to existing appointment.

Sub-collectors to perform the duties of inspector.

and to administer oath.

Salary of inspector.

Oath of importer of goods may be administered by certain officers of customs.

*Fifth*—It shall be lawful for the governor from time to time to appoint to the establishment of customs, at the port of Kingston, an inspector of invoices, and also an assistant inspector of invoices, and to remove any person already or hereafter to be appointed to either office; and it shall be the duty of the inspector, and assistant inspector of invoices respectively, or of one of them, to examine every invoice of goods imported into such port previous to warrants being passed for such goods, and the duty upon them paid, and to ascertain and certify the correctness thereof; and no invoice shall be received, nor warrants passed for any goods mentioned in any invoice, which shall not be so certified; and if such inspector, or assistant inspector of invoices shall see reason to doubt the correctness of the value placed upon any goods mentioned in any invoice, he may examine such merchandize, and require the importer or consignee of such goods to attend at the custom house, and, in the presence of the collector, or controller of customs, shall examine such importer or consignee on oath (which oath such collector, or controller, or inspector of invoices respectively is hereby authorized and required to administer), touching such goods and invoice, and the value thereof, and on all other points relating thereto: *Provided*, That the existing appointments of inspector, and assistant inspector of invoices shall continue without new appointments, but subject to the provisions of this act: *Provided also*, That the sub-collectors at the several ports shall have and exercise, and are hereby charged and vested with, the like duties and powers wherewith the said inspector of invoices is hereby charged and vested; and every such sub-collector is hereby authorized and required to administer, where necessary, in the execution of such duties, the like oath as is hereinbefore directed to be administered by the collector, controller, or inspector of invoices.

*Sixth*—There shall be paid, as heretofore, to the person already, or hereafter to be appointed assistant inspector of invoices, a salary at the rate of two hundred pounds *per annum*, on the warrant of the governor.

*Seventh*—The oath required by the third section of the act of the twentieth Victoria, chapter five, for the regulation of the customs, to be taken by the importer of goods imported into this island, may be administered as well by the controller of customs, or the inspector of invoices, as by the collector of customs at the port of Kingston.

*Eighth*—Whereas it is provided by the thirty-eighth section of the



the seventeenth Victoria, chapter twenty-nine, that the sum of thirty thousand pounds shall be raised by a duty on certain articles mentioned in the schedule (C), to that act annexed, and appropriated to the liquidation of the public debt, and interest; and a further sum of twenty-five thousand pounds shall be raised and appropriated towards defraying certain expenses of the government of this island: *And whereas*, by a proviso to the forty-second section of the said act, it is declared that the duties thereby authorized to be collected shall not be collected during such time as duties, larger in amount, or equal in amount, shall be collected: *And whereas* the duties imposed by this act are larger in amount than the duties imposed by the said seventeenth Victoria, chapter twenty-nine: *And whereas* it is necessary to provide for the payment of the said sums of thirty thousand pounds, and twenty-five thousand pounds, out of the duties to be received under this act: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same*, That the receiver-general shall annually reserve, out of the duties to be collected and paid to him by the officers of the customs as aforesaid, the sum of thirty thousand pounds, to be appropriated to the liquidation of the said public debt, and interest; and a further sum of twenty-five thousand pounds towards defraying certain expenses of the government of this island, as is by the said act provided to be appropriated in the manner therein directed.

£30,000 and £25,000,  
under 17th Vic. cap.  
29, payable out of du-  
ties collected under  
this act.

*Ninth*—The residue of the duties to be collected under the schedules A and B, in this act, shall be paid and applied to the use of the public of this island.

Residue of duties ap-  
propriated.

*Tenth*—It shall be lawful for the executive committee, if they shall think proper, upon proof that any materials or articles imported into this island, and subject to duty under this act, are intended to be exclusively used in the erection, or for the repairs, or in the service of any place of religious worship, to direct the officers of customs, at the port of entry of such materials or articles, to admit the same to entry, without payment of duty; or for the receiver-general, on the warrant of the governor, to repay to the party importing such materials or articles the amount of duty which may have been paid upon the same.

Exemption from duty  
of articles for erection,  
&c. of places of wor-  
ship.

*Eleventh*—The provisions of the seventeenth Victoria, chapter thirty-three, and twentieth Victoria, chapter five, relating to drawbacks, shall be extended, and be allowed to operate in respect to all materials necessary to be used in the repairs of any vessel or vessels putting into any harbour in this island in distress for repairs: *Provided*, That the value of such articles in the aggregate exceed the sum of one hundred pounds.

Provision as to draw-  
back of duties in cer-  
tain cases.

Proviso.



Duty on gunpowder  
used for certain pur-  
poses to be re-paid.

*Twelfth*—On proof, to the satisfaction of the executive committee, that any quantity of gunpowder has been imported or purchased solely and exclusively for mining, blasting, or road purposes in this island, it shall be lawful for the receiver-general, on the warrant of the governor, to repay to the person or company who has imported or purchased gunpowder for such purpose, the amount of duty which shall have been paid upon the quantity of gunpowder so imported or purchased.

How gunpowder may  
be warehoused.

*Thirteenth*—It shall be lawful for the importer of gunpowder into this island to warehouse the same in the magazine of Port-Royal, without payment of duty on the first entry thereof, subject nevertheless to the rules, regulations, restrictions, and conditions contained in the act of the seventeenth Victoria, chapter two, or any other act for warehousing of goods imported into this island, so far as the same are respectively applicable: *And provided further*, That no such gunpowder shall be delivered, except upon a delivery order, signed by the collector and controller of customs in this island, and specifying the name of the person to, or for whom any such powder is to be delivered, the quantity deliverable, and such other particulars as such collector and controller shall think necessary: *And provided also*, That nothing herein contained shall in any way interfere with, or counteract any law, rule, or regulation now in force or practice for the government or regulation of the said magazine at Port-Royal, or the officers in charge of Fort Charles.

Proviso.

Proviso.

Certain portion of 19th  
Vic. cap. 14, repealed,  
and other rates fixed.

*Fourteenth*—So much of the fourteenth section of the "Gunpowder and Fire-Arms' Act, 1856," (nineteenth Victoria, chapter fourteen), as fixes the rate or standard of charge for storing, or receiving and keeping gunpowder in any fort or magazine, or other authorized place of deposit, shall be, and is hereby repealed; and, instead thereof, there shall be paid, by the person depositing gunpowder in any fort, or magazine, or authorized place, as by such act directed, to the captain, or person having charge of such gunpowder—

Two shillings for every barrel, capable of containing any quantity not exceeding one hundred pounds weight of gunpowder.

One shilling for every half barrel, capable of containing any quantity not exceeding fifty pounds weight of gunpowder; and

Six pence for every quarter barrel, capable of containing any quantity not exceeding twenty-five pounds weight of gunpowder.

*Fifteenth*



*Fifteenth*—It shall be lawful for the governor, by his warrant, to direct the receiver-general to refund all sums of money which shall be satisfactorily shewn to have been paid by or on account of the royal mail steam packet company, or any other company, or individual, for duties on coals brought to this island for the use of steam vessels carrying mails, and on coals not imported for, nor used in internal consumption; and no duty shall in future be chargeable on coals, so brought to this island for the purpose aforesaid, or coals not intended nor used for internal consumption.

Monies paid by royal mail company, &c. for duty on coals to be refunded, &c.

*Sixteenth*—Notwithstanding the expiration or repeal of the act twenty-fifth Victoria, chapter eight, or any subsequent act for raising or continuing a supply by a duty on articles imported, and for the appropriation of the same, or the expiration or repeal of this act, any offence committed against any of the provisions of the recited acts, or either of them, or of this act respectively, or any penalty incurred under either of such acts, may be punished or proceeded for, and recovered or enforced respectively as if such acts, or this act respectively, had not expired or been repealed.

Offences committed under 25th Vic. cap. 8, may be punished notwithstanding the expiration of that act.

*Seventeenth*—That in addition to the duties specified in the undermentioned schedule A, there shall be raised, levied, and paid to her majesty the duties stated in schedule B, to be applied to the general revenue; and that in addition to these duties there shall be raised, levied, and paid to her majesty, to be applied to main road purposes, the duties comprised in schedule C.

Additional duties to be paid under schedules B and C, &c.

*Eighteenth*—This act may, for all purposes, be cited as "THE IMPORT DUTIES ACT, 1864."

Short title.

*Nineteenth*—This act shall continue in force until the thirty-first day of March, one thousand eight hundred and sixty-seven, so far as regards schedule A, and be in force until the thirty-first day of March, one thousand eight hundred and sixty-six, so far as regards schedule B and schedule C.

Duration of act, and schedules thereto.

# SCHEDULE A.

	£.	s.	d.
Ale, per tun	5	7	0
Asses, per head	0	5	0
Bacon, per cwt.	0	10	0
Barley, (not being pearl barley), per bushel	0	0	3
Beef, dried, per cwt.	0	10	0
Ditto salted, or cured, per barrel of 200lbs.	0	10	0
Beans, per bushel	0	0	3
Beer, per tun	5	7	0
4 Y 2			
			Bird.

	£.	s.	d.
Birds	Free.		
Books, printed, including maps	Free.		
Bread or biscuit, per cwt.	0	6	0
Bricks, per 1000	0	4	0
Bullion	Free.		
Butter, per cwt.	0	9	0
Calavances, per bushel	0	0	3
Candles, composition, per box of 56lbs.	0	7	0
— tallow, per box of 56lbs.	0	2	6
— wax, or spermaceti, per box of 56lbs.	0	10	0
Cattle, neat, per head	0	10	0
Carriages, carts, and wagons, used for agricultural purposes	Free.		
Cheese, per cwt.	0	10	0
Cider, per tun	4	7	0
Clothing, army and navy, and undress	Free.		
Coals	Free.		
Cocoa, per cwt.	0	10	0
Coffee, per cwt.	1	0	0
Coin	Free.		
Coke	Free.		
Corn, Indian, per bushel	0	0	3
Cotton wool	Free.		
Diamonds	Free.		
Dogs	Free.		
Dyewoods	Free.		
Drawings	Free.		
Engravings, and lithographs, and photographs	Free.		
Fish, dried or salted, per cwt.	0	2	6
— fresh	Free.		
— smoked, not otherwise enumerated or described, per cwt.	0	4	0
— alewives, pickled, per barrel	0	2	0
— herrings, pickled, per barrel	0	2	0
— herrings, smoked, per box of 25lbs.	0	0	6
— mackerel, pickled, per barrel	0	4	0
— pickled, not otherwise enumerated or described, per barrel	0	4	0
— salmon, smoked, per cwt.	0	10	0
— wet, or salted, per barrel	0	10	0
Flax	Free.		
Flour, rye, per barrel	0	8	0
Flour, wheat, —	0	8	0
Fruit, fresh	Free.		
Goats, per head	Free.		
Guano, and any other manure	Free.		
Gums	Free.		
Gunpowder, per lb.	0	0	6
Hams, per cwt.	0	10	0
Hand machines for preparing fibre, spinning cotton, or wool	Free.		
Hay and straw	Free.		
Hemp	Free.		
Hides, raw	Free.		
Horses, mares, and geldings, per head	0	8	0
Hogsheads shoos, each	0	0	6
Hydraulic presses, and printing presses	2	0	0
Ice			



	£.	s.	d.
Ice	Free.		
Iron, galvanized, per £100 value	4	0	0
— ditto for roofing, and every kind of iron roofing, doors, and shutters	Free.		
Indigo, per lb.	0	0	3
Lard, per cwt.	0	5	0
Leeches	Free.		
Matches, lucifers, and others, per gross of twelve dozen boxes, each box to contain one hundred sticks, and boxes containing any greater or lesser quantity, to be charged in proportion	0	5	0
Malt dust	Free.		
Marble, in slabs or blocks, per £100 value	4	0	0
Machines, (horse power), per £100 value	4	0	0
Meat, fresh	Free.		
— salted, or cured, per barrel of 200lbs.	0	10	0
Meal, not wheat, per barrel	0	1	0
Mills, whether for grinding canes, paint, coffee, corn, or grain of any kind, or for sawing boards, raising water, or are set in motion by steam, horse, wind, or water power, per £100 value	4	0	0
Molasses	Free.		
Mules, per head	0	8	0
Necessaries (army and navy,) including mess plate and furniture, band instruments, to be certified by the military and naval commanding officers as requisite or necessary	Free.		
Oats, per bushel	0	0	3
Oil cakes, whole, or in powder, and other prepared food for animals	Free.		
Oil, per gallon	0	0	4
Patent fuel	Free.		
Pans for boiling sugar, whether of copper or iron, per £100 value	4	0	0
Pease, (not being split pease) per bushel	0	0	3
Perry, per tun	4	7	0
Pipes for conveying fluids, per £100 value	4	0	0
Plants, growing	Free.		
Ploughs, plough-harrows, and harrows cultivators, clod-crushers, horse-hoes, dibbles, sowing machines, and parts thereof, four per cent.			
Pork, salted or cured, per barrel of 200lbs.	0	10	0
Porter, per tun	5	7	0
Poultry	Free.		
Puncheon shooks, each	0	0	6
Pumps for raising water, per £100 value	4	0	0
Railway truck wheels, per £100 value	4	0	0
Resins and Rosin	Free.		
Rice, per cwt.	0	2	0
— undressed, per bushel	0	1	0
Salt, per cwt.	0	0	1
— rock	Free.		
Sarsaparilla	Free.		
Sausages, dry or pickled, per cwt.	0	10	0
Sheep	Free		
	Slates		

	£.	s.	d.
Slates ...	Free.		
Soap, per box of 56lbs. ...	0	3	0
Soda, ash, or sub-soda ...	Free.		
Specimens, illustrative of natural history, mineralogy, and geology	Free.		
Spirits, brandy, per gallon ...	0	7	0
— gin, per gallon ...	0	6	0
— rum, produce of, and imported from British posses- sions, per gallon	0	6	0
— whiskey, per gallon ...	0	5	0
Spirits of wine, alcohol, and all other spirits, cordials, or com- pounds, per gallon	0	8	0
Still, or any part of a still, per £100 value ...	4	0	0
Steam engines, or part thereof, per £100 value	4	0	0
Sugar, refined, per lb. ...	0	0	2
— unrefined, per cwt. ...	0	10	0
Swine ...	Free.		
Tallow, grease, tallow grease, or grease, and slush	Free.		
Tea, per lb. ...	0	1	6
Tierce shooks ...	0	0	6
Tiles, marble, per £100 value ...	4	0	0
— earthen ...	Free.		
Tobacco, manufactured, including Cavendish, for every pound } weight	0	0	6
— on every 100lbs weight of unmanufactured	1	1	0
— cigars, for every pound weight ...	0	2	6
Tongues, dried, per cwt. ...	0	10	0
— salted, or cured, per barrel of 200lbs.	0	10	0
Tortoise shell ...	Free.		
Tow ...	Free.		
Turtle ...	Free.		
Uniforms, prescribed by her majesty's regulations, or any law } of this colony	Free.		
Vegetables, fresh ...	Free.		
Wax, bees ...	Free.		
Wheat, per bushel ...	0	0	4
Wines, whether in bulk, or bottled, per tun ...	15	0	0
Wood, for one thousand feet of pitchpine lumber, by super- ficial measure of one inch thick	0	12	0
— for every one thousand feet of whitepine lumber, or other lumber, by superficial measurement of one inch thick	0	8	0
— shingles; cypress, more than 12 inches in length, per 1000	0	4	0
— Wallaba shingles ...	0	4	0
— Boston chips, and all shingles not otherwise enume- rated, or described, per 1000	0	2	0
— woodhoops, per 1000 ...	0	2	0
— staves and heading, red or white oak, or ash, per 1000	0	4	0
Wire, iron, for fences; and wire fencing; and iron standards } and hurdles, and tomb railings, per £100 value	4	0	0
And after these rates for any greater or less quantity of such goods respectively.			
On all other goods, wares, and merchandize, plantation sup- plies, and effects, of every description, not previously enu- merated, for every £100 value	12	10	0



## SCHEDULE B.

	£.	s.	d.
Rice, per 112 lbs. ... ..	0	0	6
Tobacco, manufactured, per lb. ... ..	0	0	2
Ditto, unmanufactured, per lb. ... ..	0	0	1½
Cigars, per lb. ... ..	0	0	6
Snuff, per lb. ... ..	0	0	6
Shingles, per 1000 ... ..	0	1	0
Meal, per barrel ... ..	0	1	0

## SCHEDULE C.

On each cwt. of codfish ... ..	0	1	0
Ditto gallon of brandy ... ..	0	1	0
Ditto ditto wine (in bottle) ... ..	0	0	9½
Ditto ditto ditto (in bulk) ... ..	0	0	3½
Ditto ditto gin ... ..	0	2	0
Ditto ditto British spirits ... ..	0	3	0
Ditto barrel beef ... ..	0	4	0
Ditto ditto pork ... ..	0	4	0
Ditto ditto tongues ... ..	0	4	0
Ditto cwt. rice ... ..	0	1	0
Ditto bushel of wheat ... ..	0	0	4
Ditto pound of manufactured tobacco ... ..	0	0	2
Ditto ditto leaf or unmanufactured tobacco ... ..	0	0	1½

## C A P. XI.

*An act to repeal the twenty-fifth Victoria, chapter eight, twenty-sixth Victoria, chapter four (session two), and twenty-seventh Victoria, chapter six (session one.)*

**B**E it enacted by the governor, legislative council, and assembly, That from and after the coming into operation of the "Import Duties Act, one thousand eight hundred and sixty-four," the acts of the twenty-fifth Victoria, chapter eight, and twenty-sixth Victoria, chapter four (session two), and twenty-seventh Victoria, chapter six (session one), shall be, and are hereby repealed.

25th Vic. cap. 8, 26th Vic. cap. 4, (sess. 2), and 27th Vic. cap. 6, (sess. 1), repealed.

## C A P. XII.

*An act to impose an additional duty of three pence per gallon on rum, and other distilled spirits.*

**B**E it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows :

In addition to previous duty 3d per gallon to be levied on rum.

In addition to the previous duty by law leviable on rum or other spirits, a duty of three pence upon every imperial gallon of rum and other spirits, being on hand on any estate, or place of manufacture, or in any warehouse for warehousing rum respectively, sold, or to be sold for consumption, and of all rum and other spirits distilled and consumed in this island, shall be levied on, from, and after the ninth day of December, one thousand eight hundred and sixty-four, to be ascertained, recovered, and collected, and appropriated in like manner, with the like powers, and under the like protection as any other duty on rum and other distilled spirits may be raised, and collected, and appropriated within this island, from time to time, under any act of the legislature.

## C A P. XIII.

*An act to provide for the establishment of a "Leper's Home," and the proper care otherwise of lepers, and similarly diseased persons.*

Preamble.

**W**HEREAS it is necessary to provide for the reception and accommodation of persons afflicted with leprosy or yaws, or diseases akin thereto respectively: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows :*

Lands may be leased or purchased for the settlement of lepers, &c.

*First*—It shall be lawful for the governor and executive committee to lease, for a term of years, or to purchase, as they may think proper, sufficient lands in some convenient locality or localities in any or either of the parishes of Kingston, Saint Catherine, Saint Andrew, Port-Royal, or Saint David, for the settlement, and establishment of persons afflicted with leprosy, or yaws, or diseases akin thereto; and, for that purpose, to erect such cottages, or huts, or other buildings as may be considered best adapted for the careful and comfortable reception and keeping of such afflicted persons; and, in every such establishment, due care shall be taken to provide for the complete separation of the

the



the sexes; and the buildings and premises intended for persons of the male sex shall be divided, and, as far as can be, removed from those intended for females, and be placed on separate parcels of land, if the executive committee shall so advise.

*Second*—It shall be lawful for the governor, so soon as proper places have been provided for the keeping of persons so afflicted as aforesaid, which places shall be called respectively the "Leper's Home," to appoint a medical attendant to the same at a salary not exceeding one hundred and twenty pounds *per annum*; a male superintendant, at a salary not exceeding eighty pounds *per annum*; and a matron, at a salary not exceeding sixty pounds *per annum*, payable quarterly or monthly, as the governor shall direct, by warrant under his hand; and from time to time to remove any person so appointed, and, on any vacancy occurring from removal or otherwise, to appoint some other person to fill such vacancy.

and certain officers appointed.

*Third*—It shall be lawful for the superintendent, to be appointed as aforesaid, to employ two or more male servants to attend upon the male inmates; and for the matron, to be appointed as aforesaid, to employ two or three female servants to attend upon the female inmates, at such wages respectively as the governor, in executive committee, shall approve, which wages shall be paid by warrant of the governor as aforesaid, and such superintendent and matron shall have power, from time to time to remove any person so employed by him or her; and, on any vacancy occurring from removal or otherwise, to appoint some other person to fill the same.

Superintendent to appoint servants.

*Fourth*—The inspector and director, in conjunction with the medical officers of the public hospital, shall, subject to the approval of the governor, in executive committee, make rules and regulations for the government of the medical attendant, superintendent, matron, and other officers, servants, and inmates of the respective divisions of the institution, and may, subject to such approval as aforesaid, rescind, alter, amend, or add to such rules and regulations, or make new ones from time to time, as necessity may require.

Rules and regulations to be framed.

*Fifth*—The medical attendant shall visit once a week, and oftener if necessary, and prescribe medical treatment where necessary, for all the inmates of the institution, and shall make a quarterly report to the governor, in executive committee, of the state and condition of such inmates, and of the institution generally, with any recommendations or remarks which he may think fit to submit, with or as part of any such report.

Visits of medical attendant.

Of inspector and director, &c.

**Sixth**—The inspector and director of the public hospital, or such other person as the governor shall appoint, shall visit and inspect the institution, and all inmates therein, and report on their condition at least once in each month, and oftener if the governor shall require; and shall make a note of each such visit in the visiting book, which shall be kept at the institution, with such observations upon the state and condition of the institution, and inmates thereof, and the conduct of the officers and servants thereof, as he shall think proper; and the superintendent and matron shall transmit monthly to the governor a transcript of all entries so made in such visiting book, relating to the respective divisions of the institution; and the said inspector and director, or other person to be appointed as aforesaid, shall be paid at the rate of sixty pounds *per annum*, on the warrant of the governor for such and his other services under this act.

Contracts how to be taken.

**Seventh**—The said inspector and director, or other person to be appointed as aforesaid, shall take contracts, subject to the approval of the governor, in executive committee, for stores, provisions, and necessaries for the institution; and such medicines as may be required for the inmates thereof shall be supplied from the public hospital from time to time on the requisition of the medical attendant.

Duties of superintendent and matron.

**Eighth**—The superintendent and matron respectively shall be responsible for the due care and appropriation of all stores, provisions, and necessaries supplied to the respective divisions of the institution to which they shall be appointed, and shall make reports monthly to the said inspector and director, or such other person as the governor shall appoint to inspect the institution as aforesaid, of the quantities received, consumption, quantities on hand, and state and condition from time to time of all such stores, necessaries, and provisions respectively, and generally of the state of the several divisions of the institution; and the said inspector and director, or other person to be appointed as aforesaid, shall, on each visit thereto, check the stores, provisions, and necessaries on hand with the said reports thereof.

Who may be received into the "Leper's Home."

**Ninth**—Upon the establishment of the "Leper's Home," any person afflicted with leprosy, or yaws, or other disease akin thereto, who shall be in indigent circumstances, and shall present himself to the medical attendant of the institution, and claim admission, or with a certificate from a qualified medical practitioner, that he is afflicted with yaws, or leprosy, or other disease akin thereto, shall be allowed to remain in, and be considered and treated as an inmate of such institution.



*Tenth*—Any person afflicted with leprosy, or yaws, or other disease akin thereto, who, not being in destitute circumstances, shall desire to become an inmate of the "Leper's Home," may do so upon giving security to the superintendent of the same for payment monthly of the cost of his maintenance and medical treatment, at a rate not exceeding two shillings per day.

How admission may be obtained.

*Eleventh*—All sums of money which shall become due and owing to the public for the maintenance and medical treatment of any such last-mentioned leper, shall be recovered by the superintendent of the "Leper's Home," for the time being, or some person appointed by him, in the same manner as demands may be recovered under any act which may be in force for the recovery of small debts, and without limitation of amount.

How dues may be recovered.

*Twelfth*—If any person, deemed to be afflicted as aforesaid, shall be found loitering in any road, street, lane, thoroughfare, or leading to, or from any city, town, or village, or wandering about from place to place, and not having any visible means of living, or be found begging, it shall be lawful for any policeman, or constable, to apprehend such person, and take him or her before any qualified medical practitioner, who, upon being satisfied that the person so brought before him is a leper, or afflicted with yaws, or other disease akin thereto, shall certify the same, and the said leper, or person so diseased, shall thereupon be taken before any justice of the peace, who, upon conviction before him for such vagrancy or begging as aforesaid, shall direct, in writing under his hand, that such person shall be committed to the "Leper's Home" for a period not exceeding twenty-eight days; and thereupon such person shall be taken to the "Leper's Home," and received into the same, and there kept for such period as aforesaid; and any reasonable expense incurred in taking such person before a medical practitioner, and to the "Leper's Home," shall be paid by the superintendent of the same as a charge against the institution.

Vagrant lepers may be apprehended.

*Thirteenth*—If any person, committed as aforesaid to the institution, shall leave it before the expiration of the period of committal, and be seen wandering about in any street, thoroughfare, or public place or way, he or she shall be taken by the superintendent or matron, or any policeman or constable back to the institution, and it shall be the duty of the superintendent or matron to take measures, under such rules and regulations as shall in that respect be from time to time made by the governor, in executive committee, for the proper keeping of such person within the bounds of the institution.

As to lepers leaving the institution.



Receiver-general to  
pay expenses.

*Fourteenth*—The receiver-general shall pay, upon the warrant of the governor, monthly or otherwise, such sums of money as shall be necessary to meet the expenses of the "Leper's Home," not exceeding the sum of two thousand pounds in any one year.

Justices and vestry  
may make provision  
for lepers, &c.

*Fifteenth*—It shall be lawful for the justices and vestry of any parish, or adjoining parishes, other than those before named in this act, where it shall seem necessary to include, in the annual estimates of expenditure, a sufficient sum for providing for the proper care and keeping of persons afflicted as aforesaid within such other parish or parishes; and, where adjoining parishes shall join in arrangements for that purpose, the expenses shall be borne between them rateably, according to the number of diseased persons chargeable to each parish respectively.

#### C A P. XIV.

*An act to provide for the record and preservation of the reasons of judgments of court.*

Preamble.

**W**HEREAS it is expedient to have and preserve a record of the written reasons of the judgments of the courts in this island: *Be it enacted by the governor, legislative council, and assembly of this island:*

When reasons for  
judgment are given in  
writing, they are to be  
recorded in a book for  
reference.

*First*—Whensoever the judges of the supreme court, the vice-chancellor, the judges of the West India encumbered estates' court, or of the court of appeal from the summary jurisdiction of magistrates, shall deliver to the clerk or registrar of the said courts respectively their reasons, in writing, for any judgment given in such court, it shall be the duty of such clerk or registrar to copy the same into a substantially bound book, or substantially bound books, in his office, there to be kept for reference by all members of the legal profession, without payment of any fee, and by any other person, on payment of any fee, which now is, or hereafter may be payable for consulting the records of such court.

When judgment to be  
appealed against, copy  
of reasons to be given.

*Second*—That in any case wherein it is signified to the court that the judgment given is intended to be appealed against, a written copy of such reasons shall be delivered in reasonable time to the clerk of the court, or the registrar, as the case may be.

Office copy may be ob-  
tained on payment of  
fee.

*Third*—Upon payment of such fee as is now paid for copying work in the office of the particular court, any party shall be at liberty to obtain an office copy of any such written judgment or decree, certified under the hand of the particular officer.

C A P.



## C A P. XV.

*An act to amend the twenty-seventh Victoria, chapter thirty-three, relating to larceny, and other similar offences.*

**W**HEREAS it is necessary to amend the twenty-seventh Victoria, chapter thirty-three, relating to larceny, and other similar offences: *Be it enacted by the governor, legislative council, and assembly, and it is hereby enacted and ordained by the authority of the same,*

Preamble.

*First*—That in every indictment in which it shall be necessary to make any averment as to any money, or any note of the treasury of this island, or any bank of this island, it shall be sufficient to describe such money, or treasury or bank note simply as money, without specifying any particular coin, or treasury or bank note; and such allegation, so far as regards the descriptions of the property, shall be sustained by proof of any amount of coin, or of any treasury or bank note, although the particular species of coin, of which such amount was composed, or the particular nature of the treasury or bank note, shall not be proved.

In indictments averments as to money, &c. may be described as money, without specifying particulars, &c.

*Second*—The term “trustee” shall, in addition to the persons designated in the first section of the said act, include receiver of the court of chancery, and other officers of the courts of law and equity of this island, the guardians of infants, the provost-marshal and his deputies, the collectors of petty debts and their deputies, bailiffs employed to distrain for rent, and the treasurers or recipients of property for any public, civil, parochial, or eleemosynary purpose, or for any other person or persons, or association of persons.

Whom the term “trustee” shall include.

## C A P. XVI.

*An act to provide for the appointment of notaries public.*

**B**E it enacted by the governor, legislative council, and assembly of this island:

*First*—That the governor may, by warrant under his hand and seal, from time to time commission and appoint as many fit and proper persons as he may think fit throughout the island to be notaries public, to discharge the duties assigned to such office by the laws of Great-Britain and of this island, or by the practice of commerce.

Governor to appoint notaries public.

*Second*

who must be sworn.

*Second*—That before entering upon the duties of his office, each notary public shall, under a *dedimus*, to be issued by the governor, be sworn well, truthfully, and faithfully to discharge such duties.

His duty in suspicious cases.

*Third*—That before noting any protest, where the circumstances shall appear to the notary to be suspicious, and not warranting the protest demanded, he shall refuse to act, until, by an order of two justices in petty sessions, the person requiring the protest shall have established a right thereto; and, before applying for such order, notice of the application shall be given to the notary refusing the protest, and such persons, if any in the island, interested in the subject of protest.

Refusal of protest to be signed.

*Fourth*—That when a protest or other notarial act shall be refused, the notary shall mark on the log-book, bill of exchange, or other document, his refusal to this effect "protest refused," with his signature and the date of refusal subscribed.

Punishment falsely to certify, or fraudulently to deceive, or to withhold documents.

*Fifth*—That it shall be a misdemeanor, punishable by fine or imprisonment, with or without hard labor, for a term not exceeding three years, or by both fine and imprisonment as aforesaid, for any notary or other person falsely to certify or to propound any statement, document, or thing, or fraudulently, with intent to deceive, to conceal, withhold, or pervert any fact, document, or thing pertinent to the subject of protest, or other notarial act.

Notaries officers of supreme court, and may be discharged.

*Sixth*—That notaries public shall be deemed to be officers of the supreme court, and liable to the summary jurisdiction thereof; and, on a certificate from the court of misconduct in office, the governor shall discharge the offending officer from his said office.

Commission to be stamped.

*Seventh*—That a stamp duty, according to the understated scale, shall be impressed on each commission of notary public, to be countersigned by the clerk of the supreme court.

#### SCALE OF STAMPS ON COMMISSIONS OF NOTARY PUBLIC.

For the whole island	-	Ten pounds
For the city of Kingston	-	Six pounds
For any other parish	-	Three pounds.

Adhesive may be substituted for impressed stamp.

*Eighth*—That instead of the impressed stamp of four shillings, prescribed by the stamp act, a five shillings adhesive stamp may be



be substituted, provided it be duly cancelled as by the said act prescribed.

*Ninth*—That the fees of notary public shall be, exclusive of stamps, as follows :

Notaries fees exclusive of stamps.

For subscribing and sealing a protest - 0 10 6

... drawing and preparing same, if so required, at five shillings and six pence per legal sheet of seventy-two words to the legal sheet.

... copies of documents therein, at two shillings and six pence per legal sheet.

*Tenth*—That this act shall not come into operation until her majesty's assent thereto shall have been proclaimed in this island.

Act not to operate till royal assent proclaimed.

## C A P. XVII.

*An act for the regulation and encouragement of benefit building societies in this island.*

**W**HEREAS certain societies, commonly called building societies, have been established in different parts of the united kingdom, to the advantage of the industrious poor and middle classes, and it is expedient to afford encouragement to similar societies in this island, and protection to their property: *Be it therefore enacted by the governor, legislative council, and assembly of this island :*

Preamble.

*First*—That it shall and may be lawful for any number of persons to form themselves into, and establish societies in this island, for the purpose of raising a stock, or fund, or funds, for the purpose of enabling any member of any such society, subject to the rules thereof, to receive, out of the funds of such society, a sum or sums of money, by way of loan, to be expended in or about the purchasing, erecting, or repairing of dwelling houses, and their appurtenances, and other houses, erections, and buildings, or any of them, or the purchasing of land or any real estate, such loans to be secured, with interest thereon, in such manner as shall be required by or under the rules, for the time being, of such society; and, for the purpose of enabling such society to purchase freeholds, and erect thereon dwelling or other houses, and their appurtenances, to be sold or rented, and to sell or rent the same, or let out the same on terms of lease and sale, or otherwise to persons willing to become the purchasers or tenants thereof respectively, or for any or either of such purposes, which societies shall be called "BUILDING SOCIETIES, OR BENEFIT BUILDING SOCIETIES."

Societies may be established, to be called "Building Societies," or "Benefit Building Societies."

*Second*

which may raise capital by shares,

*Second*—That it shall be lawful for every such society to raise its capital by shares, not exceeding an estimated ultimate value of fifty pounds each, and to provide for the payment of the amounts payable, in respect of such shares, by the shareholders, by payments in full, or from time to time on account, or by monthly or other periodical payments; and that every person making a payment on account of any share shall be deemed and entered as a shareholder, and be subject to, and bound by the rules and regulations of such society for the time being.

admitting fresh shareholders.

*Third*—That, subject to the rules and regulations for the time being of each such society, it shall be lawful for fresh shareholders to be admitted and enrolled from time to time.

Liabilities of shareholders limited.

*Fourth*—That no shareholder of any such society shall, as such, be liable to pay any greater amount towards the funds of such society, or the debts or liabilities thereof, than the amount payable in respect of the number of shares taken, or agreed to be taken by him, under or by virtue of the rules of such society, at the time he became a shareholder thereof: *Provided nevertheless*, That any shareholder offending against any of the rules of such society for the time being, shall be liable to pay the fines and penalties chargeable, or payable under such rules for such offence; and every shareholder, securing a loan out of the funds of such society, shall be liable to repay the same, with such expenses and interest as may be required, in such manner and at such times as may be provided at the time the loan is granted, or agreed to be granted.

Proviso.

Shareholders may make rules and regulations, and alter and amend same, and make new rules.

*Fifth*—That it shall and may be lawful to and for the several shareholders of each such society from time to time to assemble together, and by majorities of those present to make, ordain, and constitute such proper and wholesome rules and regulations for the government and guidance of the same, as to the major part of the shareholders of such society, so assembled together, shall seem meet, so as such rules and regulations shall not be repugnant to the express provisions of this act, and the general laws of the island; and to inflict and impose such reasonable fines, penalties, and forfeitures upon the several shareholders of such society as shall offend against any such rules as the shareholders, by such majority present at any such meeting, may think fit, which fines, penalties, and forfeitures shall be paid to, and for the benefit of the general funds of such society; and also from time to time, in the manner, and by the majorities required by this act, and by the rules and regulations of such society for the time being, to alter and amend such rules as occasion shall require or render desirable, or annul, rescind, or repeal the same, and to make new and other rules for the furtherance of the objects of such society.

*Sixth*



*Sixth*—That every such society shall, in or by one or more of the rules thereof, declare all and every the intents and purposes for which such society is established; and shall also, in and by such rules, direct all and every the uses and purposes to which the money which shall, from time to time, be subscribed, paid, or given to, and for the use or benefit of such society, or which shall arise therefrom, or in anywise shall belong to such society, shall be appropriated and applied, and in what shares and proportions; and under what circumstances any member of such society or other person shall or may become entitled to the benefits thereof.

Declare the purpose for which the society is formed, &c.

*Seventh*—That the rules of every such society shall provide that the trustees, directors, or other principal officer thereof shall, once in every year at least, prepare, or cause to be prepared, a general statement of the funds and effects of, or belonging to such society, specifying in whose custody or possession the said funds or effects shall be then remaining, together with an account of all and every the various sums of money received, lent, and expended by, or on account of the said society, since the publication of the preceding periodical statement; and every such periodical statement shall be attested by two or more persons, to be appointed auditors for that purpose, and shall be countersigned by the secretary or clerk of such society, and every member shall be entitled to receive from the said society a copy of such periodical statement.

Provide for the preparation of annual statements of the funds and the auditing of the same.

*Eighth*—That such rules may provide for the appointment, removal, and dismissal, from time to time, of such presidents, trustees, directors, committees, secretaries, treasurers, builders, surveyors, solicitors, auditors, clerks, and other officers as may be deemed necessary or advisable for the working of such society, in such manner, on such terms, with such powers, and by such majorities as shall in and by such rules be provided; and all or any such officers may be appointed, removed, or dismissed accordingly: *Provided*, That all or any of such offices may be filled by members of such society, notwithstanding their position as such members.

the removal of trustees, &c.

Provided.

*Ninth*—That each such society may, by the rules thereof, or by means of schedules to such rules, to be certified, confirmed, and filed as herein mentioned, specify the trusts on which mortgages accepted by them shall be taken and held, and also the powers and privileges which, in all such mortgages, shall be held and enjoyed by the trustees of such society, which trusts, powers, and privileges may, in every such mortgage, be referred to by apt words; and that thereupon such trusts, powers, and privileges shall be as absolutely vested in, and shall as fully devolve upon the trustees for the time being of such society, as if they were fully set out in every such mortgage; and also that each such society

Specify the trusts on which mortgages are accepted.



may, in like manner, by its rules, or by schedules thereto, provide or set out forms in which mortgages and conveyances to them, and surrenders and releases of mortgages, on mortgage terms, and all conveyances by them may be taken in cases where it is found practicable to adopt such forms.

Provide for referring cases to arbitration, awards upon which shall be final.

Awards may be enforced.

*Tenth*—That provision may be made by one or more of the rules of any such society for referring to arbitration all and every and any matters in dispute between or amongst any of the officers and members of such society, or any persons claiming under them respectively, in any way concerning the rules of such society, or the meaning or application thereof, or the affairs of such society, or any claims made by or against such society, or the trustees or other officers thereof, for or on account of such society; and whatever award shall be made by the arbitrators to whom such matter shall be referred, or the major part of them, according to the true purport and meaning of the rules of such society, shall be binding and conclusive on all parties, and shall be final to all intents and purposes without appeal, and shall not be removed, or removable into any court of law, or restrained, or restrainable by the injunction of any court of equity; and should either of the said parties in dispute refuse or neglect to comply with or conform to the decision of such arbitrators, or the major part of them, it shall and may be lawful for any one justice of the peace, residing within the parish within which such society shall hold its meetings, on application of the party desiring to enforce such award, upon good and sufficient proof being adduced before such justice, of such award having been made, and of the refusal or neglect of the opposite party to comply therewith, by warrant under his hand and seal to cause such sum as may be awarded by such arbitrators, and the costs of the application, not exceeding ten shillings, and the cost of warrant and distress, to be levied by distress, or by distresses, and sale of the monies, goods, and chattels, securities and effects belonging to the party in default, together with all further costs and charges attending such distress and sale, returning the surplus (if any) to such party in default.

Rules and regulations to be submitted to reviewing barrister and a judge of the supreme court, who may confirm the same.

*Eleventh*—That two transcripts of all rules and regulations, made by any such society, and of all alterations, amendments, rescissions, and annullings thereof, or of any of them, shall be signed by three directors, and countersigned by the clerk or secretary of such society, and shall be submitted, within one month from the making thereof respectively, to the barrister at law for the time being, appointed to certify the rules of savings' banks, for the purpose of advising and certifying that such rules, amendments, alterations, rescissions, and annullings respectively are calculated to carry into effect the intention and purposes for which such society



society was formed, and also are in conformity to law, and to the provisions of this act, and advising and certifying in what part or parts the same respectively are repugnant thereto; and that such transcripts, when so certified as aforesaid, shall be returned to the society, one of which transcripts shall be kept by such society, or the proper officer thereof, for the time being, and the other of such transcripts shall be forthwith transmitted to the clerk of the supreme court and crown, and by him be laid before one of the judges of the supreme court, in chambers, who is hereby authorized and required to allow and confirm the same; and such transcript, so certified and confirmed, shall be filed by such clerk of the supreme court and crown in his office as a record thereof, without fee or reward: *Provided nevertheless*, That in case there should be no barrister at law appointed for the purpose aforesaid, or any such barrister should decline or neglect to certify as to all or any such rules, alterations, amendments, rescissions, and annullings, then it shall be lawful for the chief justice for the time being of the supreme court, on the application of any such society, or any officer thereof, to appoint some barrister at law to certify the same respectively, whose certificates shall thereupon be as valid as if he had been the barrister appointed to certify the rules of savings' banks.

*Proviso.*

*Twelfth*—That in case any such barrister shall refuse to certify all or any of such rules, alterations, amendments, rescissions, or annullings, or shall certify them to be repugnant to law or to this act, or in case he should desire the opinion of one of the judges of the supreme court to be obtained for his guidance on any point, it shall then be lawful for any such society, or any officer thereof, to submit such rules, alterations, amendments, rescissions, or annullings, or any of them, to one of the judges of the supreme court of this island, in chambers, together with the reason assigned by the said barrister, in writing, for any such refusal, difficulty, or disapproval, and that such judge shall and may, if he thinks fit, confirm and allow the same rules, alterations, amendments, rescissions, or annullings, notwithstanding any such rejection or disapproval by any such barrister, or may give such directions in reference to the certificate to be granted, as he may deem right.

*Where barrister refuses to certify.*

*Thirteenth*—That every such barrister shall be entitled to demand and receive for his labor in perusing and certifying such rules, amendments, and rescissions, a fee of sixty-three shillings, and no more: *Provided nevertheless*, That no fee shall be allowed to any barrister, in respect of any alterations, amendments, or rescissions of any rules, upon which one fee shall have been already paid to him within the period of three years.

*Fee of barrister.*

*Proviso.*



Society not formed  
until rules have been  
confirmed.

*Fourteenth*—That no such society shall be deemed a building society, or benefit building society, within the meaning of this act, until its rules and regulations, including in particular the rules required by sections six and seven of this act, shall have been certified, confirmed, and filed as aforesaid; and that all such rules and regulations, and amendments and alterations thereof, and additions thereto, shall be, and be deemed to be the rules and regulations of such society from the respective dates of their confirmation as aforesaid, until the rescission, annulling, alteration, or amendment thereof respectively shall be certified and confirmed, and except in so far as they may be so rescinded, altered, or amended, and that the rules and regulations for the time being of such society, so certified and confirmed as aforesaid, shall be binding on the several members and officers thereof, and contributors and subscribers thereto, and on their representatives, all of whom shall be deemed and taken to have full notice thereof.

How rules may be al-  
tered.

*Fifteenth*—That no rule of any such society, after having been certified and confirmed as aforesaid, shall be altered, rescinded, or repealed, nor shall any new rules be adopted unless upon the requisition, in writing, of ten or more of the members of such society, holding in all not less than fifty shares, specifying the rules sought to be altered, rescinded, or repealed, or adopted, and all alterations proposed to be made therein, which requisition shall be publicly exhibited at the rooms or office of such society, at least one month before any meeting to consider the same shall be called, nor unless a general meeting shall be thereupon duly convened to consider the same, nor unless upon a vote of at least three-fourths in number of the shareholders of such society present at such general meeting, and also upon the vote of shareholders holding at least three-fourths of the number of shares held by the shareholders so present at such general meeting.

All rules must be en-  
tered into a book.

*Sixteenth*—That all the rules for the management of each such society, and all alterations, amendments, annullings, and rescissions of such rules, shall be entered in a book, to be kept by an officer of such society, appointed for that purpose, to which book all the members of such society shall be entitled to have access at all times when the office of such society shall be open for business.

The business of the  
society to be carried  
on in the manner di-  
rected by the rules.

*Seventeenth*—That the general business of each such society shall be conducted and carried on, for the purposes, in the manner, and by the persons mentioned and set forth in, or appointed under, or by virtue of the rules thereof for the time being; and the funds of such society, while not required or used for the purposes thereof, shall be lodged in some one of the banks of this island, in such manner, and in the names of such persons, as shall by the rules of such



such society be directed, required, or permitted; and all interest, if any, arising therefrom shall be applied to increase the general funds of such society.

*Eighteenth*—That all general meetings of any such society shall be held at such places and times, and in such manner, and shall be publicly notified in such manner, and for such length of time, as shall be required by the rules and regulations of such society; and in the event of there being no rule on the subject, then the time and place for holding each such general meeting shall be notified by public advertisement, signed by at least two directors of such society, in at least two public newspapers of the island, for at least two weeks prior to the holding of such general meeting.

How meetings may be held,

*Nineteenth*—That all committees, to be appointed under or by virtue of the rules of any such society, or by any general meeting thereof, shall be appointed solely at general meetings of the members of such society, convened as aforesaid, by or under resolution of such general meeting, which resolution shall specify the purposes for which such committee shall be appointed, and the powers delegated to them, and that such committee shall, in all things delegated, committed, or entrusted to them, respectively act for and on behalf of such society; and all acts and orders of such committees, under the powers delegated to them respectively, during the time for which they shall be appointed or hold office, shall be binding on the whole members of such society: *Provided*, That the transactions of each such committee shall be entered into a book belonging to the society, and liable to inspection by all or any of the members of such society at all reasonable times, and shall be subject and liable to the review, allowance, disallowance, and control of such society, or of the directors thereof for the time being, in such manner and form as by the rules of such society shall be provided.

and committees appointed

Provided.

*Twentieth*—That it shall and may be lawful for any such society to receive donations and bequests from any person or persons for the purposes of such society, or any of them; and all such sums shall be applicable to the general purposes of such society, or to the special purpose for which the same may be given, as the case may be, in the like manner as the contributions of the several members of such society are or shall be directed to be applied in pursuance of this act, and shall not be applied in any other manner.

Donations may be received,

*Twenty-first*—That it shall and may be lawful to and for any such society to have and receive, from any member or members thereof, any sum or sums of money by way of bonus on any share or

and bonuses on shares.



or shares, for the privilege of receiving the same in advance, prior to the same being realized, and also any interest for the share or shares so received, or any part thereof.

Regulation as to mortgages, &c.

*Twenty-second*—That all mortgages, conveyances, bonds, and other securities, agreed or intended to be made or given to or by any such society, shall be made and given to two or more persons as trustees thereof; and that no mortgages, conveyances, bonds, or other securities, so made or given to or by the trustees for the time being of any such society, in and about the business of such society, or relating thereto, shall be charged or chargeable with any stamp duty whatever, unless until this clause shall at any future time be specially repealed.

and changes in trusteeship.

*Twenty-third*—That all mortgages, conveyances, deeds, bonds, and other securities, and real and personal estate, agreed or intended to be made or given to, or by any such society, shall and may be made and given to or by the trustees for the time being of such society; and that on each change in such trusteeship, the legal estate and interest, under or in such mortgages, conveyances, deeds, bonds, and other securities, real and personal estate, shall immediately vest in the trustees for the time being of such society, without the necessity of any assignment, conveyance, or other deed whatsoever, and may be recovered and enforced in any court of law or equity by the trustees for the time being of such society, in the like manner, and as fully, to all intents and purposes, as if such deeds, mortgages, conveyances, bonds, and other securities, and real and personal property had been originally executed in favor of, or conveyed to such trustees for the time being; and all investments of monies and securities, lodged or made in any bank, savings' bank, or public treasury, shall be forthwith transferred to the names of the trustees for the time being of such society, upon the request, in writing, of any two directors for the time being of such society: *Provided nevertheless*, That every appointment of any trustees or trustee shall be certified under the hand of three of the directors of such society to the island secretary, and that such certificates be recorded in his office amongst the records of deeds: *And provided also*, That all the advantages of this clause shall apply to all such deeds, bonds, and other securities, real and personal estate of every such society already established, which shall become a building society, or benefit building society, under the provisions of this act.

Provided.

Provided.

Real estate, &c. vested in trustees and their successors or survivors.

*Twenty-fourth*—That all real estate, and all title, securities for money, and other obligatory instruments, and evidences and muniments of title, and all other effects whatever, and all rights and claims belonging to or claimed by such society, shall be vested in the



the trustees of such society for the time being, for the use and benefit of such society, and the respective members thereof, their respective executors, and administrators, according to their respective claims and interests; and, after the death or removal of any trustees, shall vest in the succeeding or surviving trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts, without any assignment or conveyance whatever, except the transfer of stocks and securities in the public treasury of this island, or any of the saving's banks, or other banks, or place of deposit or investment; and also shall, for all purposes of action or suit, as well criminal as civil, in law or in equity, in anywise touching or concerning the same, be deemed and taken to be the property of the persons appointed as trustees or trustee of such society for the time being, in their own proper names, without further description; and such persons shall, and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any actions, suits, and prosecutions, criminal as well as civil, in law or in equity, touching or concerning the property, right, or claim aforesaid of, or belonging to, or had or claimed by such society: *Provided*, such persons shall have been thereunto duly authorized, by the consent of the majority of members present at any meeting of the society, or committee thereof, or by a meeting of the directors thereof; and such persons, so appointed, shall and may, in all cases concerning the property, right, or claim aforesaid of such society, sue and be sued, plead and be impleaded in their or his proper names as trustees of such society, without other description; and no such suit, action, or prosecution shall be discontinued or abate by the death of such persons, or any of them, or their or his removal from the office of trustee, but the same shall and may be proceeded in by the succeeding trustees in the proper names of the persons commencing the same, any law, usage, or custom to the contrary notwithstanding; and such succeeding trustees or trustee shall pay or receive like costs as if the action or suit had been commenced in their or his name or names for the benefit of, or to be reimbursed from the funds of such society.

*Proviso.*

*Twenty-fifth*—That it shall not be necessary to record any mortgage given to any such society, or the trustees thereof, unless and until it shall be deemed necessary or advisable to enforce the same; but, in lieu thereof, it shall be sufficient notice to all the world of the existence of such a charge, if a memorandum, in the form and to the effect, in the schedule hereunto annexed, signed by the parties giving such mortgages, shall be recorded in the office of the secretary of this island, within three months after such mortgage is effected; and that every such mortgage, whereof such memorandum shall be recorded as aforesaid, shall have the same and no other

*When mortgage may be recorded.*



*Provided.*

other effect than if the deed had been fully recorded, and that free access shall be had by every person interested in the original mortgage in the possession of such society: *Provided*, That for the recording of every such memorandum, the island secretary shall be entitled to demand and have the sum of two shillings, and that no other fee whatever shall be demanded or taken for recording the same: *And provided also*, That on recording any such mortgage deed as aforesaid, the usual fees shall be demanded and paid.

As to arrears of subscriptions, fines, penalties, &c.

*Twenty-sixth*—That all arrears of subscriptions, fines, penalties, and forfeitures due, or to become due to any such society, under or by virtue or in pursuance of the rules and regulations thereof, or any of them, shall and may be enforceable, and recoverable by petty debt summons, or actions at law, according to the amount thereof respectively, to be sued out in the names or name of the trustees or trustee for the time being, and by proceedings thereon to judgment and execution: *Provided also*, That such summonses and actions may, in form, be upon an account stated by the defendant with the plaintiff.

*Provided.*

Members of society may be sued.

*Twenty-seventh*—That members of any such society accepting any office or employment under or by virtue of the rules and regulations thereof, or being, or becoming in any way indebted or liable to such society, or having any claims against such society, may sue and be sued by the trustees or trustee for the time being of such society, and shall be answerable, civilly and criminally, in respect of their actions, transactions, and omissions in and about the business and property of such society, in like manner, and as fully, to all intents and purposes, as if they were not members of such society, or partners therein; and that the fact of such membership shall not be set up, or in any way avail to delay or defeat any such civil or criminal proceeding or process in any court whatsoever.

Officers of society to account and deliver securities, books, &c.

*Twenty eighth*—That every officer of any such society, who shall have, or receive any part of the monies, effects, or funds of, or belonging to any such society, or shall in any manner have been, or shall be entrusted with the disposal, management, or custody thereof, or of any securities, books, papers, or property of such society, and the executors and administrators of such officers respectively shall, upon demand made, or notice in writing given, or left at the last or usual place of residence of such officer, in pursuance of any order of such society, or of any two or more directors thereof, or of any committee thereof, to be appointed for such purpose, within seven days after such demand made, or notice given as aforesaid, give in his account, in writing, at the next usual meeting of such society, or to such directors or committee so appointed as aforesaid,



aforesaid, to be examined and allowed or disallowed by such society, directors, or committee thereof, and shall, on the like demand, or notice, pay over all the monies remaining in his or her hands, and assign, transfer, and deliver all securities and effects, books, papers, and property taken or standing in his or her name as aforesaid, or being in his or her hands or custody, to the secretary or directors for the time being of such society, or to such person or persons as such society, or any committee thereof, shall appoint; and in case of any neglect or refusal to deliver such account, or to pay over such monies, or to assign, transfer, or deliver such securities and effects, books, papers, and property, or any part thereof in manner aforesaid, it shall and may be lawful to and for every such society, in the name of the trustee thereof, as the case may be, to exhibit a petition to the chancellor or vice-chancellor, who shall and may proceed thereupon in a summary way, and make such order thereon, in chambers, or in open court, as to such chancellor or vice-chancellor may seem just; and all assignments, sales, and transfers, made in pursuance of such order, shall be good and effectual in law to all intents and purposes whatever.

*Twenty-ninth*—That if any person, who may hereafter be appointed to any office in any society, established or recognised under this act, and being entrusted with the keeping of the accounts, or having in his hands or possession, by virtue of his said office or employment, any monies or effects belonging to such society, or any deeds, or securities relating to the same, shall die, or become a bankrupt, or insolvent, or have any extent, execution, or attachment, or other process issued against his lands, goods, chattels, or effects, or property, or estate, real or personal, or made any assignment, disposition, or other conveyance thereof for the benefit of his creditors, his heirs, executors, administrators, or assigns, or other persons having legal right, or the sheriff, or other officer executing such process, as the case may require, shall, within forty days after demand made in writing, by the order of any such society, or any two or more directors thereof, or any committee thereof, deliver and pay over all monies and other things belonging to such society to such person as such society, directors, or committee shall appoint, and shall pay out of the estates, assets, or any effects, real or personal of such person, all sums of money remaining due, which such person received by virtue of his said office or employment, before any other of his debts shall be paid or satisfied, and before the money directed to be levied by such process as aforesaid shall be paid over to the party issuing such process, and all such assets, lands, goods, chattels, property, estate, and effects shall be bound to the payment and discharge thereof accordingly.

As to persons appointed to office in the society who shall die, &c.

*Thirtieth*—That the trustees or any other officer of any society, established

Responsibility of trustees.



Revised.

established under the authority of this act, shall not be liable to make good any deficiency which may arise in the funds of such society: *Provided always*, That the said trustees, and every other officer of any such society, shall be, and they are hereby declared to be personally responsible, and liable for all monies actually received by him or them on account of, or to and for the use of the said society.

How funds may be  
guaranteed.

*Thirty-first*—That for the more effectually preventing fraud and imposition on the funds of such societies, by any officer, member, or any other person, being, or representing himself or herself to be a member of such society, or the nominee, executor, administrator, or assignee of any member of such society, or any other person whatever, who shall, in or by any false representation or imposition, fraudulently obtain possession of the monies of such society, or any part thereof, or having in his or her possession any sum of money belonging to such society, shall fraudulently withhold the same, and for which offence no special provision is made in the rules of such society, it shall be lawful for any one justice of the peace, residing within the parish within which such society shall hold its meetings, upon complaint made on oath or affirmation by an officer of such society, appointed for that purpose, to summon such person, against whom such complaint shall be made, to appear at a time and place to be named in such summons; and, upon his or her appearance, or in default thereof, upon due proof upon oath or affirmation of the service of such summons, it shall and may be lawful for any two justices, residing within the parish aforesaid, to hear and determine the said complaint according to the rules of the said society, confirmed as directed by this act; and, upon due proof of such fraud, the said justices shall convict the said party, and award double the amount of the money so fraudulently obtained or withheld, to be paid to the trustees, to be applied by them to the purposes of the society so proved to have been imposed upon and defrauded, together with such costs as shall be awarded by the said justices; and in case such persons, against whom such complaint shall be made, shall not pay the sum of money so awarded to the person, and at the time specified in the said order, such justices are hereby required, by warrant under their hands and seals, to cause the same to be levied by distress and sale of the goods of such person on whom such order shall have been made, or by other legal proceedings, together with such costs as shall be awarded by the said justices, and also the costs and charges attending such distress and sale, or other legal proceedings, returning the surplus (if any) to the owner; and, in default of such distress being found, the said justices of the peace shall commit such person, so proved to have offended, to the common gaol or house of correction, there to be kept to hard labor for such



such a period not exceeding three calendar months, as to them shall seem fit: *Provided nevertheless*, That nothing herein contained shall prevent the said society from proceeding, by indictment or complaint, against the party complained of: *And provided also*, That no party shall be proceeded against by indictment or complaint, if a previous conviction has been obtained for the same offence under the provisions of this act: *Provided further*, That nothing in this clause contained shall take away the right of appeal from any party.

Proviso.

Proviso.

Right of appeal.

*Thirty-second*—That a minor may become a member of any such society, and shall be empowered to execute all instruments, give all necessary acquittances, and enjoy all the privileges, and be liable to all the responsibilities appertaining to members of matured age, notwithstanding his or her incapacity or disability in law to act for himself or herself: *Provided always*, That such minor be admitted into such society by and with the consent of his or her parents, masters, or guardians.

As to minors becoming members of the society.

Proviso.

*Thirty-third*—That in case any member of any such society shall die, who shall be entitled to any sum not exceeding thirty pounds, it shall be lawful for the trustees and directors of such society, and they are hereby authorized and permitted, if such trustees and directors shall be satisfied that no will was made and left by such deceased member, and that no letters of administration will be taken out of the funds, goods, [and] chattels of such depositor, to pay the same at any time after the decease of such member, according to the rules and regulations of the said society; and in the event of there being no rules and regulations made in that behalf, then the said trustees or treasurer are hereby authorized and permitted to pay and divide the same to and amongst the person or persons entitled to the effects of the deceased as next of kin, and that without letters testamentary, or letters of administration having been taken out in this island.

And members entitled to £30, and under, dying.

*Thirty-fourth*—That whenever the trustees or directors of any such society, or any of them on behalf of the said society, at any time after the decease of any member, shall have paid or divided any sum of money to or amongst any person or persons, or next of kin of such deceased member, or as the lawful representative of such member, against the funds of such society, or against the trustees thereof; but nevertheless such next of kin or representative shall have remedy for such money so paid as aforesaid against

As to persons entitled to money of deceased intestate members.



the person or persons who shall have received the same, as for money had and received to his use.

How society may be dissolved.

*Thirty-fifth*—That it shall not be lawful for any such society, by any rule at any general meeting or otherwise, to dissolve or determine such society so long as the interests and purposes declared by such society, or any of them, remain to be carried into effect, without obtaining the votes of consent of five-sixths in number and value of the then existing members of such society, nor unless the intended appropriation or division of the funds, or other property of such society shall be fairly and distinctly stated in the proposed plan of dissolution prior to such consent being given, nor until such proposed plan of dissolution shall be certified, by such barrister as aforesaid to be fair and equitable; and, in the event of such division of the property, or misappropriation of the funds of such society, without the consent and certificate hereby declared to be requisite, the trustees and their officers, and persons aiding and abetting therein, shall be liable to the like penalties as are hereinbefore provided for in cases of fraud, and shall also be liable to the general members of the society for the funds so misappropriated.

When a society is to be considered a building society.

*Twenty-sixth*—[*Thirty-sixth*]*—*That any building society, or benefit building society, already formed or established in this island, may lay its rules and regulations before any such barrister as aforesaid; and that upon its rules and regulations being certified and confirmed as herein mentioned, every such society, so already formed, shall be, and be deemed to be, a building society, or benefit building society, within the meaning of this act, and shall be entitled to all the rights, and privileges, and powers hereby granted to such societies.

Short title of act.

*Twenty-seventh*—[*Thirty-seventh*]*—*That this act may, in all proceedings, be called "THE BENEFIT BUILDING SOCIETY ACT, 1865."

#### FORM OF MEMORANDUM.

*Date of deed* \_\_\_\_\_

*Names of parties* \_\_\_\_\_

*Substance of recitals* \_\_\_\_\_

*Description*



Description of premises \_\_\_\_\_

Full abstract of provisions of deed \_\_\_\_\_

Signatures of parties executing { \_\_\_\_\_  
\_\_\_\_\_

Signature of witness \_\_\_\_\_

Date of probate, and before whom taken \_\_\_\_\_

Jamaica, ss.

I swear that the above is a true extract of the mortgage deed to the trustees of the building society.

\_\_\_\_\_  
Secretary of the company.Sworn to before me, at Kingston, this \_\_\_\_\_ day of \_\_\_\_\_  
186 \_\_\_\_\_\_\_\_\_\_  
J. P. Kingston.

## C A P. XVIII.

An act to authorize the infliction of corporal punishment in certain cases of larceny, and other offences.

WHEREAS the punishment at present authorized by law has proved insufficient to check the increase of larcenies, and especially of the crimes next hereafter and herein specified: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

*First*—The summary jurisdiction conferred upon two or more justices by the act, passed in the twentieth year of her present majesty's reign, chapter three, shall, in all cases of a charge after a previous conviction of an offence within such jurisdiction, and specially mentioned in this act, be, and it hereby is annulled; and such justices shall take the examination of all witnesses for the prosecution, and if, in their opinion, a proper case is thereby made out for the consideration of a grand jury, they shall transmit such examinations to the clerk of the peace of the parish in which they act as such justices for further prosecution at the circuit court thereof.

*Second*—Upon this act coming into operation, it shall be lawful for, and in the discretion of the judge of any circuit court, in lieu of, or in addition to the punishment already authorized by law,

Preamble.

Justice jurisdiction under 20th Vic. cap. 3, annulled in certain cases, and how they are in future to proceed.

Judge of circuit court may, in addition to other punishment, whip offenders, &c.

of Law 27 of 1879  
Law 2 of 1882  
1872



law; to sentence any male person, convicted before him of any of the illegal acts or offences next herein described, to be whipped; that is to say:

*Offences.*

Every second or subsequent conviction for stealing, destroying, or damaging, with intent to steal, any cultivated plant, root, fruit, or other vegetable production used for the food of man or beast, or for medicine, or for distillation, of dyeing, or for or in the course of any manufacture, growing in any garden, orchard, or provision ground, whether the same be enclosed or not, or in any cane, coffee, or pimento field, stealing any horse, mare, gelding, or colt, filly, mule, or ass, or any bull, cow, ox, heifer, or calf, or any ram, ewe, sheep, or lamb, pig, or goat, or wilfully killing any of such animals with intent to steal the carcass, skin, or any part thereof, or wilfully maiming any of the said animals, and for any second or subsequent consequent conviction for stealing any domesticated animal, or any animal ordinarily used for human food, or feloniously receiving any such property or animals as aforesaid, knowing them to have been stolen.

Number of stripes to be specified in sentence, &c.

Number of stripes limited.

*Third*—Whenever sentence of whipping shall be awarded under this act, the number of stripes shall be specified by the court in the sentence: *Provided*, That no sentence under this act shall direct or authorize more than twenty-five stripes to be administered to a convict under the age of sixteen years, nor more than fifty stripes to a convict above or of that age.

Place of punishment to be appointed.

*Fourth*—The place of punishment shall be appointed by the governor.

Infliction thereof to be in presence of surgeon of prison, &c.

who may interpose.

*Fifth*—The punishment by this act additionally or in substitution authorized shall never be inflicted except in the presence of the surgeon of the prison in which the prisoner is at the time confined; and such surgeon is hereby required to attend thereat, or, in his absence, some other duly qualified medical practitioner, who are respectively hereby empowered to interpose, after partial execution of the sentence of whipping, and to direct the postponement of the remainder thereof until such time as the convict may be able to undergo the same.

In district where punishment is to be inflicted, two constables to be present, &c.

*Sixth*—There shall also be present at the infliction of every such whipping, or any part thereof, whenever the punishment of whipping is inflicted in the district where the offence has been committed, two constables for the time being, appointed under the "*Constabulary and Reward Fund Act*," who shall be summoned



summoned by any visiting justice of the gaol or prison in which the convict is imprisoned from the district or neighbourhood in which the offence for which the whipping is to be inflicted was committed.

*Seventh*—The surgeon or medical practitioner present at every such whipping punishment shall, within seven days after every infliction, or any part thereof, furnish a report to the governor of the state and condition of the convict so punished, and whether the punishment has been fully or partially, and to what extent, inflicted.

Surgeon to report to the governor.

*Eighth*—The governor shall, if he think fit, under the circumstances of any case, direct a further postponement, or altogether remit the remainder of such punishment, by order, to such effect respectively, to the superintendent or jailer, who, and all others whom it may concern, shall be governed thereby accordingly.

Governor may postpone or remit punishment.

*Ninth*—This act shall not come into operation until it shall have received her majesty's royal assent, and such assent shall have been notified by advertisement in the "Jamaica Gazette, by authority."

Act not to operate till publication of her majesty's assent.

## C A P. XIX.

*An act to empower justices of the peace to apprentice persons who shall be respectively under the age of sixteen, convicted of petty larceny.*

**B**E it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same,

*First*—That it shall be lawful for any two justices of the peace of this island, exercising summary jurisdiction, to apprentice to any householder carrying on business or trade, handicraft mystery or calling, or to any proprietors of estates, pens, or plantations as laborers, or to look after live stock, or to families, as domestic servants, willing to take them for five years, any person or persons who, being under the age of sixteen years, shall be convicted of stealing, or of destroying, or damaging, with intent to steal, any tree, plant, root, fruit, or any other vegetable production growing in any garden, orchard, provision ground, or cane, or coffee, or pimento field, whether enclosed or not, or of the larceny of other articles, or produce, or small stock, the value whereof shall not exceed the sum of ten shillings,

Justices of peace to apprentice any person under sixteen years, convicted of stealing, or of vagrancy, &c.



which apprenticeship is to be in lieu of punishment under any other act.

lings, and who may be reported and proven, to the satisfaction of such justices, to be leading an idle and vagrant life, not attending any school, or being sufficiently under the control of their parents, such apprenticeship, so soon as entered into, to be in lieu of any punishment or portion of punishment authorized by twenty-seventh Victoria, chapter thirty-three, or any act amending the same, or in aid thereof.

Apprentices and their masters subject to provisions of sundry acts, but consent of parent not necessary to indent nor discharge apprentices.

*Second*—That the said apprentices and their masters or mistresses shall be subject to the provisions of the acts seventh George the fourth, chapter twenty-sixth, sections eighth to twentieth; fourth Victoria, chapter thirtieth, and fifth Victoria, chapter thirty-fifth, except that it shall not be required to obtain the consent of the parents to such apprenticeship, nor as by the fifth section of fourth Victoria, chapter thirtieth, to discharge such apprentice, and direct his other indenture to be cancelled; but, on hearing and determining of any complaint against any master or mistress, it shall be lawful for any two justices to transfer the indenture of such apprentice or apprentices to any other parties who may agree to take him, her, or them for the unexpired time of his, her, or their indentures; and such transfer shall be given under the hand and seal of such justices.

Justices may transfer indentures.

Moral and religious instruction to be given apprentices.

*Third*—That it shall also be required of the masters or mistresses of the said apprentice or apprentices to give him, her, or them, during a part of one day in each week, moral and religious instruction, or to appoint a competent person to do so.

## C A P. XX.

*An act in aid of the twenty-first Victoria, chapter four (receiver-general's office regulation act), and chapter thirty-nine (receiver-general's money's transfer act.)*

Preamble.

**W**HEREAS it is necessary to make certain provisions in aid of the fourth and thirty-ninth chapters of the act of the twenty-first Victoria: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Receiver-general's security reduced to £5000.

*First*—The public and other moneys heretofore kept in the receiver-general's office having been transferred to the colonial bank, under the authority of the acts of the twenty-first Victoria, chapter thirty-nine, and twenty-fourth Victoria, chapter seven, the security for ten thousand pounds, required to be given by the receiver-general,



receiver-general, and by any person appointed to perform the duties of receiver-general, during the absence, on leave, of that officer, under the recited act of the twenty-first Victoria, chapter four, sections twenty-five and thirty, shall be reduced to five thousand pounds; and the receiver-general, and the person aforesaid shall respectively, as occasion may require, after the passing of this act, with good and sufficient sureties, enter into joint and several bond in that sum, and subject to the provisions and conditions contained in the recited act of the twenty-first Victoria, chapter four, or, as the governor, with the advice of the executive committee, may direct, except as to the requirement for several bonds of sureties, which is hereby repealed; but nothing in this act contained shall be taken to prejudice or affect any bond previously given by any receiver-general, or any surety of the receiver-general, or any person appointed to perform the duties of receiver-general as aforesaid, or any surety of such person.

who is to enter into bond, &c.

Bond previously given not affected by this act.

*Second*—Instead of the account directed by the recited act of the twenty-first Victoria, chapter thirty-nine, section two, to be opened by the bank or banks in which the public moneys have been or shall hereafter be deposited, there shall, after the passing of this act, be two accounts kept by such bank or banks, that is to say, the one to be marked A, and entitled, by the said act is directed, and the other to be marked B, and entitled "The Account of the Reserved Public Moneys of the Governor and Executive Committee," inserting the names in full of the governor and the executive committee for the time being.

Two accounts to be kept with bank.

*Third*—Nothing in this act contained shall prejudice or affect the account or accounts heretofore kept by such bank or banks, in pursuance of the recited act of the twenty-first Victoria, chapter thirty-nine, section two.

Accounts kept under 21st Vic. cap. 39, sec. 2, not affected by this act.

*Fourth*—All moneys, bills, notes, and drafts from time to time paid, deposited, or carried to account by, or in the names of the governor and executive committee for the time being, under the authority of this act, shall be held by or for them, or in their names, in respect of their offices, and for the purposes of this act; and, upon the death, removal, or resignation of them, or either of them, shall vest in, and be held by or for them, or their or his successors or successor in office respectively, for the purposes, and by force or virtue of this act, and without any act or deed to be done by such officers, or either of them from time to time resigning or removed, or by the executors or administrator of them, or either of them resigning, or removed, or dying, or by any person whomsoever.

Moneys deposited under this act to be held in the names of governor and executive committee, and their successors, &c.

When daily amount at credit of account A exceed £5000, excess to be transferred to account B, &c.

*Fifth*—Whenever, at the hour of closing the bank for business on any day, the amount at the credit of the account A, shall exceed the sum of five thousand pounds, the manager of the bank in which the excess shall have occurred, shall transfer such excess to the credit of the account B; and he shall, upon every occasion as aforesaid, on which such excess shall occur, make such transfer, and so keep the two accounts as that the amount at the credit of account A shall not, on the closing of the bank on any day, exceed the sum of five thousand pounds.

When account at credit of A is insufficient to meet demands, governor to direct bank to transfer money from B to account A to meet same on receiver-general.

*Sixth*—Whenever the amount at the credit of account A is likely to prove insufficient to meet the demands on the receiver-general, he shall apply to the governor, and executive committee, who, upon being satisfied of the necessity for doing so, shall direct the bank or banks to transfer from the account B to the account A such an amount of money as shall appear necessary to meet such demands on the receiver-general; and the governor, and executive committee shall give such directions as often as shall be shewn to be necessary.

## C A P. XXI.

*An act to provide for the appointment of an officer for inspecting the several revenue departments of this island.*

Preamble.

**W**HEREAS it is necessary to make provision for an efficient inspection of the several departments of the revenue of this island: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same:*

Interpretation.

*First*—The term "inspector," shall mean the inspector of revenues, to be appointed under this act.

Governor to appoint inspector of revenues at a yearly salary of £500, and £200 for travelling expenses.

*Second*—It shall be lawful for the governor, and he is hereby required to appoint, under his hand and seal, a fit and proper person to be inspector of revenues, at a salary at the rate of six hundred pounds *per annum*, payable monthly, on the warrant of the governor, with an allowance at the rate of two hundred pounds *per annum* for travelling expenses, also payable in like manner; and every person so appointed shall be subject to removal, for just cause, by the governor.

His duties.

*Third*—Such inspector shall, twice in every year, or as often as he shall be directed by the governor, and executive committee, personally



sonally attend at and examine and investigate into every department of the public and parochial revenue of this island, and examine all books of account, and accounts, vouchers, and papers, having relation to the revenue of every department, or source of revenue respectively, and in the possession or under the control of every officer or person charged or having to deal with the collection of the said revenues of the several departments respectively throughout this island; and such inspector shall, after every such examination, make a separate report as to each department, of his proceedings in, and the results of such examination, together with his observations, remarks, or suggestions on any case or matter coming under his cognizance to the governor, in executive committee; and shall also make examination and report on any further occasions, whenever he may be required so to do by the governor, with the advice of the executive committee.

to be reported to governor and executive committee.

Special examination and report.

*Fourth*—It shall be lawful for the governor, with the advice of the executive committee, from time to time to make such orders and regulations as shall seem expedient for the direction of such inspector, in the full and due discharge of his duties, and for carrying out the purposes and policy of this act.

Orders and regulations to be made.

*Fifth*—For the purposes of this act it shall be lawful for such inspector, and he is hereby required to visit and enter into every place of business occupied by every officer, or person charged with, or engaged in collection of any revenue or monies belonging, or to be accounted for to the public in any department of the public or parochial service throughout this island, and to send for and have the custody of any books or papers under the control of any such officer or person, and to call for any returns from any such officer or person, relating to or in anywise concerning any such revenue or public moneys; and to keep such books or papers for such time as may be required; and also to send for, and to examine upon oath, which oath he is hereby empowered to administer, any person touching any matter or thing relating to any revenue, source of revenue, or public money, or the accounts thereof.

Places of business, &c. to be visited, and returns, books, &c. may be called for, &c.

Oath may be administered.

*Sixth*—If any revenue officer, or other person, when required or sent for by such inspector, shall neglect or refuse to appear before him, or to deliver or produce any books, accounts, or vouchers, or other papers touching any matter or thing connected with any revenue or public moneys, for which every such officer or person is accountable, or, if having come before such inspector, such officer or person shall refuse to be sworn, or to answer any question which such inspector may lawfully require to have answered in the premises, or shall neglect or refuse to bring with him, or to produce any books, vouchers, or accounts, or papers; or shall refuse or neglect

Penalty for refusing to attend inspector, to make returns, to bring books, papers, &c. or to be sworn.

To be recovered by attachment, on satisfaction of judge that conduct is contumacious.

glect to make any return which he may be required to make touching or relating to any such revenue, source of revenue, or public moneys, he shall forfeit and pay, for every such neglect or refusal, a sum not exceeding one hundred pounds, to be recovered by attachment, under the hand and seal of a judge of the supreme court, the whole of which penalty shall be to the use of her majesty, her heirs and successors, for the support of the government of this island; but before any such attachment shall issue it shall be shown to the satisfaction of such judge, in the case of refusal to be sworn, or to answer any lawful question, or to produce any books or papers, or to make any return, that the conduct of the person complained against was contumacious, or, in the case of non-attendance, that such person had been duly required to attend, and that he had no reasonable excuse for his non-attendance.

Attendance not to be given out of official place of business, except in certain cases.

*Seventh*—No such officer or person shall be required to give attendance out of his official or accustomed place of business, except in any case where the inspector may require to be attended in some more private or convenient place, to be not further than one mile distant from such official or accustomed place of business, or unless under special direction by the governor, in executive committee.

Penalty for giving false evidence, &c.

*Eighth*—Any person who shall wilfully and corruptly give false evidence, or make a false statement when under examination by such inspector, shall, on conviction, suffer the pains and penalties by law imposed in case of perjury; and every prosecution in such respect shall be undertaken and prosecuted as a public prosecution.

Penalty for obstructing inspector in the execution of his duty.

*Ninth*—Any person obstructing, hindering, or impeding in any manner such inspector in the execution of his duty, or in carrying out any order or direction of the governor, in executive committee, under this act, shall, on conviction for any such offence, forfeit and pay a sum not exceeding fifty pounds, or, in default of payment, shall be imprisoned for the space of sixty days; and the proceedings against every such offender shall be according to the provisions of any act in force for the time being regulating summary proceedings before justices.

Ineligibility to sit in either branch of the legislature.

*Tenth*—No such inspector, during his continuance in office, shall be elected or appointed to, or sit as a member of, either branch of the legislature of this island.



## C A P. XXII.

*An act to re-establish the Saint Mary district prison, and to make other provisions for the more extended employment of convicts, and more efficient organization of prison management and discipline.*

**W**HEREAS by reason of the greatly increased and increasing number of prisoners in the general penitentiaries, and several prisons throughout the island, and in order to shorten the distances now necessarily travelled in the conveyance of prisoners from the parishes of Saint Ann, Saint Mary, Metcalfe, and Saint George, and for the purpose also of supplying convict labor on the roads, and other works in that district, and to provide for the extended employment of convicts otherwise, and towards the organization of more efficient prison management, it is expedient to re-establish the prison at Stennet's town, in the parish of Saint Mary, and to make the other enactments hereinafter contained: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows, videlicet:*

Preamble.

*First*—It shall be lawful for the governor, if he shall think fit, with the advice of the executive committee, to re-establish, and for that purpose to cause to be re-occupied the buildings, lands, and premises formerly occupied as a prison at Stennet's town, in the parish of Saint Mary, to be designated "*The Saint Mary's District Prison.*"

Buildings, &amp;c. at Stennet's Town to be re-occupied as a prison.

*Second*—Such prison shall be used as a district prison for the custody of convicted felons and other offenders, or in part, to any convenient extent, as a lock-up, and for cases of commitment before trial, as the governor, with the advice of the executive committee, shall direct; and the said several buildings and premises may be altered, fitted, or arranged by the like direction as shall be necessary accordingly; and in all respects the said prison shall be regulated and managed, and all the prisoners therein, or persons committed, and the commitments of prisoners or persons thereto, and the officers, servants, and attendants of the same, shall be governed by, and according to the provisions of the "*Prisons' Consolidation Act, 1856,*" (twentieth Victoria, chapter eleven), and any other act now or at any time hereafter in force relating to prisons.

which shall be used as a district prison, and partly as a lock-up, may be altered, and shall be regulated by 20th Vic. cap. 11.

*Third*—It shall be lawful for the governor from time to time to

Governor to appoint and remove officers.—

Their salaries.

to appoint, and, when necessary, to remove, and to appoint others in the place of any so removed, the officers, servants, and attendants next mentioned, who shall respectively be paid, on the warrant of the governor, out of the funds appropriable for prisons' expenditure, from time to time, the respective salaries or other remuneration next stated; that is to say,

	Per annum.
Superintendent, at the rate of one hundred and twenty pounds .. ..	£120 0 0
Surgeon, sixty pounds ... ..	60 0 0
First officer, twenty-five pounds ..	25 0 0
Second ditto, twenty pounds ...	20 0 0
Third ditto, twenty pounds ...	20 0 0
Matron and nurse, twenty-five pounds	25 0 0

Powers given to justices of St. Mary.

*Fourth*—The justices of the peace of the parish of Saint Mary are hereby severally and respectively vested and charged with the several powers, authorities, functions, and duties in respect to the prison by this act re-established, as are by the said "*Prisons' Consolidated Act*," and any other act now or hereafter to be in force relating to prisons, vested in or charged upon the justices of the peace of any precinct or parish in respect to any prison other than the county jail therein situate, except in relation to the appointment of officers and servants.

Power of appointing and removing officers from prisons transferred to governor.

*Fifth*—The powers of appointment and removal of superintendents, surgeons, matrons, keepers, and other officers to any prison now vested in the justices of the peace of any precinct or parish, are respectively transferred to, and shall be exercised by the governor for the time being.

Prisons or other buildings may be altered or arranged for custody of prisoners, &c.

*Sixth*—It shall be lawful for the governor, with the advice of the executive committee, to direct that any prison may be altered, fitted, or arranged, or that any public building or buildings may be converted into a prison or prisons, as may seem necessary or advisable for the reception and custody of prisoners, whom it may, for greater economy, or better discipline or management, be advisable to remove from any other prison, and to allow, by way of compensation to the officers, servants, or attendants of any prison from which prisoners may be so removed, and which in consequence may cease to be used as a prison, such amount of salary, pay, or wages, as to the governor, with the advice aforesaid, may seem reasonable.



*Seventh*—The expense of altering, fitting, or arranging the said buildings and premises at Stennet's town, or any prison, for the purposes of this act, shall not exceed, in the case of the Stennet's town prison, the sum of one hundred pounds, and of any other public buildings or prisons five hundred pounds, and shall be paid, on the warrant of the governor, with the advice of the executive committee, out of the funds applicable for prison expenditure.

Expenses thereof to be paid out of prisons' funds.

*Eighth*—For the more extended and useful employment of prison labor, it shall be lawful for the governor, with the advice of the executive committee, to sanction the employment of any male convict in the general penitentiary, or any prison in this island, in or upon any public or parochial work or undertaking, or under any contract, agreeably to the provisions of the second section of the act of the twenty-fourth Victoria, chapter nineteen, in aid of the "*Prisons' Consolidation Act, 1856*," or under any contract with any person, but with such limit only as to distance from the penitentiary or prison to which the convict may have been committed, as the governor, with the advice of the executive committee, may at any time or in any case direct, anything to the contrary in any act of this island notwithstanding.

Employment of prison labor.

*Ninth*—For the purposes of this act it shall be lawful for the governor, with the advice aforesaid, to sanction the hiring of any suitable buildings, or the purchase of the materials for, and the erection of, suitable moveable buildings, or the purchase of tents, as in any case may be approved by the governor, with the advice aforesaid, for the convenient location, and secure custody, and healthy lodgment of convicts employed as by this act authorized.

Suitable buildings, &c. may be purchased or hired for location of convicts.

*Tenth*—In addition to the kinds of labor expressed as meant by the term "hard labor," in the second section of the "*Prisons' Consolidation Act*," (twentieth Victoria, chapter eleven), labor on the tread-wheel, at the crank, and at shot-drill respectively, shall be taken as meant by and included in such term "hard labor."

Interpretation of the term "hard labor."

*Eleventh*—On the discharge from any prison of any person who shall have been twice or oftener convicted, the superintendent of the prison shall communicate to each inspector of police a description of such person, and the place of residence or locality, so far as may be ascertained, to which such person is supposed to have gone, together with any other circumstances within the knowledge or information of the superintendent, which may serve to identify such person; and it shall be the duty of each inspector of police to communicate to the sergeants and privates of his division such description and other information relating to such person; and it shall also be the duty of each inspector, sergeant, and private

Description of discharged prisoners, and their residence, to be communicated to inspector of police,

who is to communicate same to police, and to keep watch on them, &c.

private

vate of police, to keep watch for and over such person, his location, haunts, associates, and conduct, and, on any such person coming within his district or departing therefrom, or being lost sight of, each inspector of police shall report to the inspector of prisons, and the superintendent of the prison from whom information shall have been in the first instance received, the respective facts as they may occur relating to such person's coming or departure, or being lost sight of, and all circumstances, observations, or remarks respecting his location, haunts, associates, and conduct from time to time, together with any other particular relating to such person, which it may seem to the inspector of police advisable to communicate respecting him; and the superintendent of the prison receiving such report from time to time shall forthwith communicate the same to the inspector of prisons, who shall thereupon, as also whenever he himself shall receive from any inspector of police a report respecting such person, submit the same, with remarks or observations from himself, from time to time, for the information of the governor, and for any instructions which the case may require.

*Act incorporated with  
"Prisons' Consolida-  
tion Act, 1866."*

*Twelfth*—This act shall be read as incorporated with, and part of the "*Prisons' Consolidation Act, 1856*," and any other act in force relating to prisons.

### C A P. XXIII.

*An act to provide for payment, by way of perpetual annuity, of the yearly interest on the total principal monies due to certain charities and institutions, and for excluding such principal sums of money from the statement of debts due by this island.*

*Preamble.*

WHEREAS the several principal sums of money, on account of the charities and institutions mentioned in the schedule to this act annexed have, at periods long past, been deposited in the public treasury at various rates of interest payable thereon, amounting to the several sums in the column headed "Interest or Annuities," in such schedule, under the authority of certain acts of the legislature of this island, and otherwise, as in the said schedule mentioned or referred to; and such principal sums, in consideration of securing such interest thereon, which has been annually duly paid, were so deposited, and have been appropriated for the use of the public of this island, without any intention that the same, or any of them, should be at any time withdrawn; and it is only necessary to make due provision for payment, in future, of the aforesaid interest



interest thereon: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

*First*—The receiver-general shall pay, during the current financial year, and in every year after the passing of this act, under the warrants of the governor, out of the general revenue of this island, by way of perpetual annuities, to the credit of the said several charities and institutions, and to be applied by the governors and trustees, or trustees thereof respectively, according to the several trusts under which the annual incomes or funds respectively are to be applied, the several sums of money stated in the column headed "Interest or Annuities," in the schedule to this act annexed, opposite to such several charities or institutions, and amounting in the whole to the sum of five thousand four hundred and sixty-six pounds seven shillings and ten pence.

Receiver-general to pay yearly to credit of charities, to be applied to trustees thereof, sums of money in schedule annexed,

*Second*—The payment of such sum of money, by way of perpetual annuities, as by this act provided, shall be in full and final settlement and discharge of all principal at any time, and interest hereafter to accrue on account of the several charities and institutions aforesaid; and the aforesaid principal monies shall be excluded from the statement or account of debts due by the public of this island.

which, by way of perpetual annuities, are to be in full of principal and interest to accrue on account of such charities, &c.

*Third*—Nothing in this act contained shall prejudice or affect the right of the governors and trustees, or trustees of either of the said charities and institutions, to the respective sum of money brought forward in the books of the receiver-general as due and owing thereto respectively at the thirtieth day of September last, under the head of "Interests."

Right of governors and trustees not affected in moneys due for interest to 30th Sept. last.

*Fourth*—It shall be lawful for the governor, with the advice of the executive committee, if they think fit, to allow, in addition to those mentioned in the said schedule, any other or further sum of money which may have been already paid or invested in any island loan fund, or to accept any money which may be hereafter offered for any such investment or payment otherwise to the account of the public of this island, from or on behalf of any charity, or institution, or trust, to be and stand appropriated for the use of the government of this island, upon the understanding and agreement that any such other or further sum of money shall not be at any time repaid, withdrawn, or claimed in consideration of the payment, by way of perpetual annuity, of an amount to be calculated at and made equal to the rate of six per cent. per annum on every such further or other sum; and such annual payment shall, in every case, be made in like manner as is hereinbefore directed in respect to the accounts mentioned in the said schedule, and shall be in settlement

6 per cent. allowed on further or other sums perpetually invested on behalf of charities, trusts, &c.

Annual payments to be made in discharge of principal and interest, &c.

tlement and discharge of the principal and interest monies which might otherwise be claimed on every such further or other sum, and which shall not be stated as part of the island debt.

Yearly account of expenditure to be laid before the assembly.

*Fifth*—An account in detail of the expenditure of the said yearly sum of five thousand four hundred and sixty-six pounds seven shillings and ten pence, and any other sum to be paid under the authority of this act, shall be laid before the assembly within the first two weeks after each meeting thereof.



## SCHEDULE OF CHARITIES AND INSTITUTIONS, &amp;c. REFERRED TO IN THE FOREGOING ACT.

STATUTE OR OTHERWISE.	CHARITIES AND INSTITUTIONS.	PRINCIPAL.		INTEREST OR ANNUITIES.	
		£.	s. d.	£.	s. d.
9 Geo. II. ch. 6	Woolmer's	12,000	0 0	1044	0 0
40 Geo. III. ch. 23	St. Jago de la Vega	600	0 0	60	0 0
17 Geo. II. ch. 10	Rusea's	2700	0 0	270	0 0
32 Geo. III. ch. 17	Gregory's Charity	2,400	0 0	141	0 0
18 Geo. III. ch. 18	Jamaica Free School	12,451	0 0	996	0 0
33 Geo. III. ch. 14	Manning's	7,852	14 8	471	3 3
38 Geo. III. ch. 27	Presbyterian Institution	2,262	12 0	181	0 0
43 Geo. III. ch. 32	Merrick's	1,200	0 0	72	0 0
48 Geo. III. ch. 25, &c.	Smith's Charity	1,800	0 0	108	0 0
51 Geo. III. ch. 26, &c.	Munro and Dickenson's Charity	23,337	4 3	1400	4 7
Resolutions of Assembly, 7 December, 1822, Votes, p. 173	Vere	6,256	0 0	500	9 7
Under will of testator, 1821, and resolutions of Assembly, 22 March, 1838, and subsequently	Manchester	2,744	0 0	219	10 5
Under will of testator, and resolutions of Assembly, 224 March, 1838, and subsequently		64,803	10 11	5466	7 10
18 Victoria, ch. 53					
18 Vic. ch. 54					
19 Vic. ch. 58					
19 Vic. ch. 39					

And

And any other charity, institution, or trust, as provided under the foregoing.

# C A P. XXIV.

*An act to provide for the re-construction of the most public thoroughfares of the city of Kingston.*

## Preamble.

WHEREAS it is desirable that the streets, cross-streets, and lanes of the best and most fully inhabited parts of the city of Kingston should be re-constructed on principles to provide for the drainage, and lay the foundation for the permanent maintenance of the city thoroughfares: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows, videlicet:*

Limits within which the works authorized by this act shall be executed.

*First*—The works by this act authorized shall be executed within the limits next mentioned; that is to say, from east to west, from the line of Hanover street to Orange street, both inclusive, and from the line of the parish of Saint Andrew to the sea, on north and south lines respectively, within the above-mentioned eastern and western limits.

Commissioners.—Three of whom a quorum.

*Second*—Any two members of the executive committee, the custos, the mayor, and the members in assembly for the city and parish of Kingston, respectively for the time being, shall be commissioners, of whom any three may form a board or quorum.

Their duties.

I. To cause to be re-constructed the several streets, cross-streets, and lanes of the said city, within the said limits by this act authorized, by such methods, and with such materials and workmanship as may appear to be best calculated to obtain and secure the convenient and permanent use of the said streets, cross-streets, and lanes, and to provide for leading off the rain waters which fall in or flow down the same, and eventually to lead off also the refuse and sewage-waters issuing or flowing from the houses built, or to be built within the limits aforesaid.

II. To remove, destroy, alter, divert, stop up, or abate any stairs, steps, enclosures, posts, piles, or other encroachments, obstructions, materials, and things, or such part or parts thereof respectively, as it shall, in the judgment of the board appointed under this act, be necessary to remove, destroy, alter, divert, or abate for the purposes of this act, erecting or providing other suitable steps or stairs, in the stead of any which may be so removed or stopped up, so as to



to equalize the width and height of the several causeways or piazzas in, and to restore the original width by law prescribed of the said streets, cross-streets, and lanes respectively, and to make the same available for general and convenient use, as public thoroughfares.

III. To cause such drains, pipings, sewer-gratings, and water-tables to be constructed, and such parts of the said streets, cross streets, and lanes respectively to be laid out for carriage ways, and such part thereof for foot passengers, as shall be requisite or proper.

IV. To enter upon, and take any land, or any right of user or enjoyment, right of way, or other right, or easement of, out of, over, upon, or in connexion with any land belonging to the city or any person, and to make and complete, and keep in repair and good order, from time to time, on such land, such works as may be requisite for the more complete drainage of the rain and sewage-waters of the said city, making compensation to any person having interest in any land, or in respect of any right therein, taken for the purposes of this act.

V. To take (in case of neglect, or refusal, or incapacity, or any impediment on the part of any person interested in any land, to treat or agree for the sale thereof, or any right of easement therein or thereout), the like proceedings under this act for acquiring such land, or right, or easement, as are provided to be taken under the "*Prisons' Consolidation Act*," twentieth Victoria, chapter two, [eleven] for the purposes of that act, from section six to section nine, both inclusive, which, so far as the same may be applicable, shall be incorporated with, and form part of this act, the board appointed by this act being taken as the authorities or functionaries to proceed under this act, instead of the executive committee.

*Third*—It shall be lawful for the governor, with the advice of the executive committee, to do or sanction the acts next mentioned, *videlicet*:

Governor and executive committee to do or sanction certain acts.

I. To authorize the employment, for the purposes of this act, of any number of convicts confined in the general penitentiary, the quarrying, taking away, and using any quantity of stones from the lands at Rock Fort belonging to the public, and the supplying of such quantities of dressed stones, bricks, and lime from the general penitentiary as shall be necessary for such purposes, a correct account of the quantity and value of such labor and materials being kept by the inspector of prisons.

II. To

II. To borrow and raise, either in this island or Great-Britain, by bond, debenture, or otherwise, such sums of money as may be requisite, not exceeding, in the whole, the sum of fourteen thousand five hundred pounds for the purposes of this act, as the same shall from time to time be required, and to appoint one or more agents in Great-Britain from time to time, with power to revoke any such appointment, for the purpose of raising moneys in Great-Britain; and all bonds and debentures issued and made payable in this island shall be signed by at least two members of the executive committee; and all bonds and debentures issued and made payable in Great-Britain shall be signed by such agent, or, if more than one shall be appointed, then by at least two of such agents; and all bonds or debentures shall be in such form, and for such amounts as the governor, with the advice of the executive committee, or such agent shall determine, and shall be transferable and negotiable, and shall bear interest at a yearly rate of six pounds for every one hundred pounds, which interest shall, by every such bond or debenture, be made payable half yearly at the island treasury, if payable in this island, and, if payable in Great-Britain, at some place in London, to be therein named.

III. In case any bond or debenture shall be lost, or destroyed, or defaced, to renew any such bond or debenture, by substituting therefor a copy in all respects of the lost, destroyed, or defaced bond or debenture, except the signatures to be attached thereto, upon indemnity being given satisfactory to the governor, in executive committee, to provide, in case of the production of any bond or debenture alleged to have been lost or mislaid, against any loss, damage, or expense to be incurred in making or resisting payment of the original bond or debenture, or in case of a defaced bond or debenture, upon the delivery up of the same to be cancelled, and which defaced and cancelled bond shall be carefully preserved: *Provided*, That before any bond or debenture shall be renewed as aforesaid, notice shall be published for four consecutive weeks in the "Jamaica Gazette, by authority," of the date, number, and other particulars of any bond or debenture alleged to be lost or destroyed, and desired to be renewed.

IV. Out of the monies applicable under this act, by warrant to direct payment to the order of the commissioners above appointed, such sum of money as shall from time to time be required for or on account of the works authorized by this act.

*Provision for payment of interest and principal monies raised for purposes of this act.*

*Fourth*—In order to provide for payment of the interest and principal of the monies authorized to be raised for the purposes of this act,



act, there shall be paid annually the several rates of taxes and duties hereinafter stated; that is to say,

£. s. d.

For each house of the annual value of twelve pounds in every street, cross-street, and lane of the said city, within the limits aforesaid, at the rate of seven pence in the pound of such value 0 0 7

For each head of horsekind used in the said city, the sum of three shillings and six pence 0 3 6

For each head of horsekind in the said city, used solely for livery-stable purposes, the sum of two shillings and six pence 0 2 6

For each wheel of a carriage used in the said city, the sum of five shillings 0 5 0

Ditto ditto in the said city, used solely [for] livery-stable purposes, the sum of three shillings and six pence 0 3 6

For each wheel of a cart used in the said city, the sum of three shillings 0 3 0

Ditto ditto hackney carriage used in the said city, the sum of six shillings and eight pence 0 6 8

And there shall also be stated annually, on the estimates of the expenditure and amounts required to be raised for the public service, and shall be raised annually accordingly, as part of the general expenditure, the sum of two hundred pounds.

Sum to be raised on annual estimates as part of general expenditure.

*Fifth*—The rates of taxes and duties hereby imposed shall commence in the present year, and, together with the items or objects charged therewith respectively, shall be given in for, and payable and paid at the same periods, and be received and collected or enforced by the same officers, and with the like powers and authorities, and subject to the like penalties or fines for any default; and the like meaning or interpretation of terms, and all other provisions of law, as any like taxes and duties on houses, and wheels, and stock respectively, under any act now or at any time in force; or if no such act shall be in force, then by the last preceding act in operation for providing duties by licenses and registrations, may be, or might have been raised, or are, or were subject; but the duties and taxes, by this act imposed, shall not be payable after payment of the principal and interest monies of the loan authorized by this act.

When taxes hereby imposed to be given in, and when paid, &c.

Limitation of payment of taxes.

*Sixth*



Receiver-general to perform certain duties.

*Sixth*—The receiver-general is hereby required to perform the acts, matters, and things following :

I. To keep an account, to be entitled "The Kingston Streets' Account," in which he shall credit all monies received and collected under this act, whether by the sale and disposal of bonds or debentures, or for taxes and duties, or the annual sum charged on the estimates of expenditure, as by this act provided ; and shall debit all monies paid for the construction and execution of the works authorized by this act, or for payment of interest or principal of any loan monies raised under this act.

II. To pay out of any money, at the credit of such account, and should there not be any money at the credit of that account, or the money at its credit not be sufficient, then out of any public moneys unappropriated, the half yearly interest, as the same shall fall due on all bonds or debentures payable in this island, and remit to the agent or agents in Great-Britain, at a convenient time before the same shall fall due, such monies as shall be required for payment of the half yearly interest to fall due and be payable in Great-Britain.

When bonds and debentures issued under this act to be redeemed, &c.

*Seventh*—All bonds and debentures which shall be issued under the authority of this act shall be redeemable at such times, and in such proportions as the governor, with the advice of his executive committee, shall determine, not longer than twenty-five years after the issue of the same, and after notice, of not less than twelve months, of the intention to pay off the same, or any part thereof; and from and immediately after the expiry of such notice, the interest on such bonds or debentures as shall be notified to be payable, shall cease.

If questions arise as to title to land, &c. money to be deposited with receiver-general, subject to control of supreme court.

*Eighth*—If any question shall arise as to the title of any person having interest in any land which, or any right or easement in which, shall be taken for the purposes of this act, it shall be lawful for the governor, with the advice of the executive committee, to cause to be deposited the money payable in respect of such land, or right, or easement therein, with the receiver-general, to be placed to the credit of the persons interested in such land (describing them so far as can be), subject to the control and disposition of the supreme court of this island.

Supreme court may order distribution of moneys, &c.

*Ninth*—Upon the application by any person making claim to the money so deposited as last aforesaid, or any portion thereof, or any interest in the land, or right, or easement therein, in respect whereof the same shall have been so deposited, the supreme court shall, in a summary way, and after such notice as to the court shall seem



seem fit, and to such person or persons as the court shall direct, order distribution of such moneys, according to the respective estates, titles, or interests of the persons making claim to such money or land, or any interest therein, or any part thereof, and may make such other order in the premises as to such court shall seem fit.

*Tenth*—On any question respecting the title of the land, in respect whereof, or of any right or easement therein or thereout, such moneys shall have been so deposited, the persons respectively in possession of such land, as being the owners thereof, or in receipt of the rents of such land, or in the user of any such right or easement, as being entitled thereto at the time of such land, or right, or easement being taken, shall be deemed to have been lawfully entitled to such land or right, easement or interest, until the contrary be shewn to the satisfaction of the said court; and unless the contrary be shewn as aforesaid, the parties so in possession, or receipt, or user, and all parties claiming under them, or consistently with their possession, shall be deemed entitled to the money so deposited, and the same shall be paid and applied accordingly.

Who are to be deemed in lawful possession of land, unless the contrary be shewn.

*Eleventh*—All land, or any right, or easement of, or in the same, taken under this act, shall vest in the executive committee for the time being for the purposes of this act, under and pursuant to the provisions of the act of the twenty-second Victoria, chapter twenty-three, enabling such executive committee to have, hold, and maintain the title to any property or estate for the benefit of the public.

Land taken under this act, to vest in executive committee, &c.

*Twelfth*—Notwithstanding anything to the contrary in any act contained, no commissioners or commissioner of highways and bridges in any parish, as a board or otherwise, collectively or individually, or any surveyor, inspector, waywarden, or other officer or agent of such commissioners or commissioner shall in any manner interfere with, obstruct, hinder, or impede the execution of the works, or any part of the same, authorized under this act; and any person offering or making any such interference, obstruction, hindrance, or impediment shall, on conviction thereof in a summary way, forfeit and pay a sum not exceeding ten pounds, to be enforced, in case of default in payment, according to the provisions of any act relating to summary proceedings by or before justices of the peace.

Penalty on commissioners of highways and bridges or others interfering with, or obstructing or impeding works authorized by this act.

*Thirteenth*—Accounts shall, within twenty-eight days after each meeting of the legislature, be laid before the assembly of all moneys which shall have been received and paid by the receiver-general under the authority of this act, distinguishing the sums from time to time paid for interest and principal, or either, on the loan

Accounts of money received and paid to be annually laid before the legislature.

raised under this act, and other accounts of expenditure thereunder respectively.

Board to make rules for guiding their proceedings, &c.

*Fourteenth*—The board appointed under this act shall have power to make rules and regulations for the guidance of their proceedings, and for the control and superintendence of the persons employed by them, and generally for carrying out the provisions of this act.

## C A P. XXV.

*An act in aid of the "Spirit License Act," twenty-third Victoria, chapter four, to increase the duty on certain retail licenses.*

**B**E it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows :

Additional duties to be paid on retail licenses, except in Kingston and St. Catherine.

*First*—In the several parishes of this island, except Kingston and Saint Catherine, there shall be paid, in lieu of the present retail license duty, on, from, and after the fifth day of April, one thousand eight hundred and sixty-five, on each license to retail spirits, the sum of twenty pounds, together with the additional sum of three pounds, now by law payable as commutation in lieu of stamp duty.

Receipt for one moiety thereof to be lodged with collector of dues on application for license, and penalty in default of payment of other moiety.

*Second*—The receipt of the collector of dues, for one equal moiety of such retail license and commutation stamp duties, shall be lodged at the same time with the application for every such license, and the other moiety shall be paid to the collector of dues on or before the tenth day of August in every year, in default of which payment any justice of the peace of the parish wherein the same shall accrue shall, on the application of the collector of dues through the clerk of the peace, issue his warrant, directing the recovery or enforcement of such second moiety, and of the costs, together with the sum of fifty pounds, as a penalty for the default, by distress and sale of the goods and chattels of the person to whom such license was granted, or may have been transferred, and any goods and chattels found on the premises in respect of which such license may be held.

Proportionate part to be paid after 16th August in any year, &c. and receipt to be lodged with clerk peace.

*Third*—Any such retail license, applied for after the tenth day of August in any year, shall be chargeable with a proportionate part or amount only of the said sums of twenty pounds and three pounds, to be calculated for the fractional part of twelve months, to elapse from the date of application until the fourth day of April  
thence



thence next ensuing, and the receipt of the collector of dues for such proportionate amount of the said several sums shall be lodged with the clerk of the peace, together with such application.

*Fourth*—This act shall be read as incorporated with, or as part of the "*Spirit License Act, one thousand eight hundred and fifty-nine*," (twenty-third Victoria, chapter four), and all applications for licenses under this act shall be made, granted, or otherwise disposed of; and such licenses may be transferred, and all licenses granted or transferred shall be pursuant to the provisions, and shall be held or may be cancelled, subject or according to the conditions and requirements, penalties or enactments of the said spirit license act, except in so far as the same, or any part thereof may be altered, modified, or repealed, or it may be otherwise directed by this act; and all penalties by this act imposed may be recovered and appropriated as penalties under the lastly recited act.

Act to be read as part of 23d Vic. cap. 4, and licenses may be transferred or cancelled, &c.

Recovery of penalties.

## C A P. XXVI.

*An act to raise a loan, not exceeding nine thousand pounds, to meet expenses for damages to main and parochial roads and bridges, incurred in consequence of the floods in the month of May last.*

**W**HEREAS it is desirable to provide for the repayment to the public treasury of the sum of nine thousand pounds, or so much thereof as may have been or shall be expended for the repairs of roads and bridges, under the authority of the act of the twenty-seventh Victoria (session two), chapter six: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Preamble.

*First*—The governor, with the advice of the executive committee, is hereby fully empowered and authorized to borrow and raise such sums, not exceeding in the whole the sum of nine thousand pounds, as may be required for the purposes of this act, in like manner as is prescribed, and with the same powers and provisions for raising and securing the repayment of the said sums, and interest thereon, as are given by the act of the twenty-seventh Victoria (session one), chapter twenty-four, for raising and providing for payment of the interest and principal monies of the loan by such act authorized, except in respect to the period of commencement of the annual investment for the formation of a sinking fund, which shall be commenced at such time as the governor, with the advice of the executive committee, shall direct, and except also in respect to the amount of such annual investment, which shall be calculated

Governor, &c. to borrow £9000 for purposes of this act, as prescribed under 27 Vic. (sess. 1) cap. 24, with certain exceptions,

at the rate of three *per cent. per annum* on the amount of the loan to be from time to time actually raised under this act.

which is to be appropriated in repayment of monies advanced out of general revenue.

*Second*—The monies to be raised under this act shall be appropriated, on the warrant of the governor, with the advice of the executive committee, from time to time, in repayment of the monies advanced out of the general revenue, under the authority of the recited act of the twenty-seventh Victoria (session two), chapter six.

## C A P. XXVII.

*An act to amend "The Rum Duty Collection Act, 1858" (twenty-second Victoria, chapter thirteen), and "Rum Warehousing Act" (twenty-second Victoria, chapter fourteen).*

Preamble.

**W**HEREAS it is necessary to amend the "Rum Duty Collection Act" (twenty-second Victoria, chapter thirteen), and "Rum Warehousing Act" (twenty-second Victoria, chapter fourteen): *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows, viz.:*

On sale of rum for island consumption, bill of parcels, stating quantity and strength to be delivered, and before removal duty-paid permit to be left with the seller.

*First*—Upon any rum being sold for consumption in the island, the purchaser thereof shall obtain from the person selling the same a bill of parcels, stating the number of gallons, and the strength of the rum; and, before the removal thereof, pay to the receiver-general, in Kingston, the sub-collector of customs at any other port, or the collector of rum dues, where there is no sub-collector of customs, the duty on such rum, and procure a duty-paid permit for the same, according to the form in the schedule A, to this act annexed, which permit he shall deliver to the person selling the rum as his authority for delivering the same; and it shall not be lawful for any person to deliver any rum, sold for consumption in this island, until the purchaser of such rum shall produce to, and leave with him, a duty-paid permit as aforesaid.

Each cask to be branded and numbered.

*Second*—Previous to sending rum from an estate, the person in charge of the same shall see that each cask is marked or branded with the estate's mark, and numbered consecutively, from one upwards, commencing in each year with number one, and before removal of any duty-paid rum from the place of manufacture, the purchaser shall obtain from the receiver-general, sub-collector

Before removal of duty-paid rum, delivery permit to be obtained.



sub-collector of customs, or collector of rum duties, a delivery permit in the form annexed to this act, marked B, and containing the several particulars thereby required, and the purchaser shall retain the said delivery-permit.

*Third*—Every person who shall give information to the receiver-general, or any sub-collector of customs, or collector of rum duties, of any offence against this act, shall be paid one-fourth part of the fine, penalty, and forfeiture (after payment of all costs, charges, and expenses), which shall be proceeded for and recovered by reason of such information; and every person so informing shall be a competent witness, notwithstanding he shall be entitled to a part or portion of the fine, penalty, or forfeiture, so levied or imposed.

Informers share of penalty, and competency as a witness.

*Fourth*—One half of the net proceeds of all fines, penalties, and forfeitures, proceeded for and recovered under this act, after payment of all costs, charges, and expenses, and the one-fourth aforesaid, shall be paid to the officer who shall detain, seize, or sue for the same, and the other half shall be paid to the receiver-general, for the use of the public of this island; and every officer and person who shall detain, seize, or sue under and by virtue of this act, shall be a competent witness, notwithstanding he shall be interested in, or entitled to, a part of such fine, penalty, or forfeiture as aforesaid.

Appropriation of penalties, &c.—Competency of witnesses.

*Fifth*—If any rum shall be delivered from an estate for consumption in this island, for which a duty paid permit has not been delivered by the purchaser to the seller, such rum shall be forfeited to the purchaser, and the seller shall not recover such rum, or the value or price thereof, in any court of justice.

Consequence of non-delivery of duty-paid permit.

*Sixth*—In any action or suit brought on any bond, bill, note, or other security, contract, agreement, promise, or undertaking, where the whole or any part of the consideration thereof shall be for the value or price of any rum, and which shall have been removed or delivered without the proper duty-paid and delivery permits, or either of them, having been procured and delivered respectively, according to the provisions of this act, the defendant in such action or suit may plead and give in evidence that such rum was delivered without the duty-paid and delivery permits having been obtained for the same; and if the jury shall find that such rum was delivered without the said permits, or without either of them having been obtained for the same, and delivered as by this act required, they shall find a verdict for the defendant.

In any action, &c. plea and evidence of non-delivery of duty-paid permit and delivery-permit may be pleaded.

Verdict.

*Seventh*

Forms of permits to be supplied.

Method of issuing and entering permits.

Returns to be transmitted to sub-collector of customs or collector of rum duties, instead of receiver-general.

Examination of returns and certificates thereon.

Examined and certified returns to be sent to the receiver-general.

*Seventh*—The receiver-general shall keep printed forms of duty-paid and delivery permits in his office, and supply such permits, bound in books, from time to time, as they shall be required, to the several sub-collectors of customs and collectors of rum duty, and all such permits shall be numbered consecutively from one upwards; and the receiver-general, sub-collectors of customs, and collectors of rum duty, on receiving payment of the duty on any rum, shall fill up, sign, and cut out progressively, and deliver to the person paying such duty, a printed form of each such permits, making entry on the duplicate and counterfoil thereof of all the particulars stated in such permits respectively.

*Eighth*—In order to provide for the more effectual examination of the returns prescribed by the second and twenty-ninth [twenty-sixth] sections of the "The Rum Duty Collection Act, one thousand eight hundred and fifty-eight" (twenty-second Victoria, chapter thirteen), and the nineteenth section of the "Spirit License Act, one thousand eight hundred and fifty-nine" (twenty-third Victoria, chapter four), except in the parish of Kingston, on and after the thirty-first day of March, one thousand eight hundred and sixty-five, the said several returns, in the said acts mentioned, together with the documents by which they are directed to be accompanied respectively, instead of being transmitted to the receiver-general, as required by the lastly recited acts, shall be transmitted to the sub-collector of customs, if there be one, or, if not, then to the collector of rum duties in each parish, in all respects in the like form, verified in the same manner, and containing the like particulars, and under the like penalties, recoverable as other penalties respectively directed by the recited acts of the twenty-second Victoria, chapter thirteen, and twenty-third Victoria, chapter four; and it shall be the duty of the sub-collector of customs, or collector of rum duties, to compare each estate's return, transmitted to him with the returns sent in by the wholesale vendors and annual retailers.

*Ninth*—The sub-collector of customs, or collector of rum duties, as the case may be, shall carefully examine the returns so transmitted to him, and, from the best information he can obtain, shall endeavour to ascertain whether or not the said returns are correct and true, and on each such return shall certify that he has examined the same, and whether he finds the same correct or otherwise; and, in the latter case, shall also state his reasons for believing the return to be untruthful.

*Tenth*—The returns so certified shall be forwarded by the several sub-collectors of customs and collectors of rum duties



to the receiver-general within fourteen days after the fourteenth day of January, the fourteenth day of April, the fourteenth day of July, and the fourteenth day of October in each year, under a penalty of one pound for each return omitted to be duly forwarded as aforesaid, recoverable as any penalty under either of the recited acts; and such returns respectively shall be dealt with or proceeded upon in like manner and with the like power, and subject to the like provisions of the recited acts respectively, as the returns thereby directed to be sent to the receiver-general might have been.

How to be dealt with,

*Eleventh*—The sub-collector of customs, or collector of rum duties, as the case may be, shall, to each person lodging his return with him, give an acknowledgement of the receipt thereof.

Receipt to be given for each return.

*Twelfth*—The person in charge of each estate from which rum shall have been sold for consumption in this island, shall, at the time at which quarterly returns are required to be made, transmit to the receiver-general all duty-paid permits which, during the preceding quarter, had been delivered to him by the persons to whom rum had been sold from the estate during such quarter, and such duty-paid permits shall be an acquittance to the person or the estate for the duties chargeable on the number of gallons of rum mentioned in them.

Duty-paid permits to be sent to receiver-general from estates.

*Thirteenth*—Each sub-collector of customs and collector of rum duties shall, once in every week, transmit to the receiver-general the duplicate of every duty-paid permit, and every delivery permit delivered by him as aforesaid, together with a true and particular return of all amounts received for rum duties, according to such form as the receiver-general shall direct, and at the same time remit the amount of duties received by him to the colonial bank, or otherwise, as by law directed.

Duplicates of duty-paid and delivery permits, return of duties received, and remittance of duties to be sent weekly.

*Fourteenth*—If any person shall neglect or refuse to transmit any duty-paid permit, or any return required by this act to be made on the respective days, or within the respective times hereinbefore mentioned, or shall neglect or refuse to perform any duty, act, matter, or thing required by this act to be done, or shall offend in any matter contrary to the true intent and meaning of this act, he shall forfeit and pay, for every offence, neglect, or refusal, a sum not less than five pounds, nor more than twenty pounds.

Penalty clause.

*Fifteenth*—If any person shall counterfeit, or falsify, or wilfully use, when counterfeited or falsified, any duty-paid permit, or delivery permit, or document required by this act, or shall,  
by

Penalty on counterfeiting, falsifying, &c.

by any false statement, procure any writing or document to be made for such purpose, or shall utter, put off, or publish any forged or counterfeited permit or document, knowing the same to be forged or counterfeited, he shall, upon conviction, be deemed guilty of a misdemeanor, and suffer such imprisonment, with or without hard labor, not exceeding three years, as the court shall adjudge.

*Interpretation.*

*Sixteenth*—The word "rum," the word "estate," the words "receiver-general," "sub-collector of customs," "collector of rum duty," and the word "officer," shall have the same meaning and signification as are assigned to them in the seventy-third section of the twenty-second Victoria, chapter thirteen.

*Recovery of penalties.*

*Seventeenth*—The several penalties imposed by this act, the recovery of which is not otherwise directed by this act, shall be recovered, enforced, and applied under the authority of, and in the manner directed by the twenty-second Victoria, chapter thirteen.

*Twenty days' time for warehousing rum, repealed.*

*Eighteenth*—So much of the third section of the twenty-second Victoria, chapter fourteen, as allows twenty days after the date of the entry of rum to be warehoused, for depositing such rum in a warehouse, shall be, and is hereby repealed; and all rum entered to be warehoused shall, immediately upon its receipt, if brought by land, and upon its being landed, if water borne, shall be placed in a duly appointed warehouse.

*Rum to be warehoused immediately on receipt.*

*Salary of £250 per annum to head locker and guager, Kingston.*

*Nineteenth*—It shall be lawful for the governor, with the advice of the executive committee, by his warrant, from time to time to direct payment to the head locker and guager in Kingston, of a salary at a rate not exceeding two hundred and fifty pounds *per annum*, in lieu of the present salary.

*Act 23d Vic. caps. 13 and 14, to be read with this act.*

*Twentieth*—The recited act of the twenty-second Victoria, chapters thirteen and fourteen, except in so far as the same are, or either, or any provision of either of them is repealed, altered, or modified by, or inconsistent with, or repugnant to any of the provisions of this act, shall be read as incorporated with, and part of this act.

*Commencement of salary to Kingston locker and guager.*

*Commencement of act otherwise.*

*Twenty-first*—The increased salary under this act to the Kingston locker and guager shall commence on the first day of March, one thousand eight hundred and sixty-five; and this act shall, in other respects, come into operation on the thirty-first day of the said month of March.



## SCHEDULE A.

## FORM OF DUTY-PAID PERMIT.

No.		Date		Place where made		Parish		Place from which sold		Parish		Punchons or casks		Casks		Gallons		Proof of		Amount of duty paid		Paid by		To whom the rum has been sold		Marks of casks		Numbers of ditto																									
No.		186		No.		in the parish		being the produce of		estate in the parish		Punchons or casks,		gallons		Proof, at 2s. 9d.		to whom the		rum has been sold.		* Marked and numbered as on the back.		receiver-general, sub-collector of customs, or collector of rum duties.		No.		186		in the parish		being the produce of		estate in the parish		Punchons or casks		gallons of		Proof, at 2s. 9d.		£		Paid by		to whom		the rum has been sold.		* Marked and numbered as on the back.		receiver-general, sub-collector of customs, or collector of rum duties.	

## SCHEDULE

\* N. B.—The marks and numbers of the casks are to be stated on the back.

SCHEDULE B.  
FORM OF DELIVERY PERMIT.

No.															No.														
Date															186														
Place where made															Permit														
Parish															containing														
Place where sold															proof, the produce of														
Parish															in the parish of														
Puncheons or casks															from														
Gallons															{ upon which														
Proof															{ has been paid by														
Amount of duty paid															{ to be delivered to														
By whom															and conveyed to														
To whom to be delivered															* Marked and numbered as on the back.														
Place whither to be conveyed															DELIVERY PERMIT.														
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collector of rum duties.

\* N. B.—The marks and numbers of the casks are to be stated on the back.



## C A P. XXVIII.

*An act to provide duties by licenses and registrations, and for the payment of land tax.*

**B**E it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows, *videlicet*:

*First*—On the first day of August, or within ten days thereafter in each year, the occupier or possessor of each item of property hereinafter enumerated, who is not by this or some other act of the legislature exempted from the payment of the taxes or duties by this act imposed, and every person keeping or using fire-arms, shall set forth a statement of such property, according to the form to be supplied by the collector of dues, and declare to the truth of such statement, and pay the collector of dues, in respect thereof, the duties hereinafter specified; that is to say,

Every person in possession of taxable property on 1st August each year, &c. to pay tax thereon.

For every house of the annual value of twelve pounds or upwards, at the rate of one shilling and six pence in the pound of such value - 1s. 6d.

Each head of horsekind used for any purpose whatsoever upon a main or parochial road, (eleven shillings) - 11s.

Each head of horsekind used solely for livery stable purposes, seven shillings; that is to say, used solely for hire and for livery stables purposes 7s.

Each ass. (three shillings and six pence) 3s. 6d.

Each head of horsekind, ass, or horned stock, except those next mentioned, not used on a main or parochial road, (one shilling) 1s.

Each head of working cattle, horsekind, and asses used solely in and about the cultivation of estates, plantations, or pens within the confines thereof, (six pence) 6d.

Every other head of cattle 6d.

Every wheel of a carriage, (fifteen shillings) 15s.

Ditto ditto used solely for hire and livery stable purposes, (ten shillings) 10s.

Each head of sheep, (two pence)	-	2d.
Each boat plying for hire (droghers and ships' boat excepted), (twenty shillings)	-	£ 1.
Each canoe or boat, other than a boat or canoe plying for fare (droghers and other ship boats excepted)	-	10s.
Each wheel of a cart, (six shillings)	-	6s.
Ditto ditto hackney carriage, (twenty shillings)	£ 1.	
Each fire-arm, registration of, and license to use on the premises of the owner of such fire arm, (two shillings)	-	2s.
License to keep and use otherwise, (eight shillings)	8s.	

License to be taken out on payment of duty.

*Second*—Every occupier, or possessor, or person aforesaid shall, upon payment of the duty aforesaid, forthwith take out from the clerk of the peace of the same parish the license by this act required, under a penalty of forty shillings.

Time for paying land tax.

*Third*—Every person in possession of land as owner, tenant, or in any other character, shall, on the first day of August, or within ten days thereafter, pay to the collector of dues of his parish the full amount of the tax by law imposed thereon, without any deduction for discount, and obtain from him an acquittance thereof; and the eighth, ninth, and nineteenth sections of "*The Main Road Fund Act, 1857*" (twenty-first Victoria, chapter thirty-four), are hereby repealed, but without prejudice to any act done or pending thereunder.

Exemption on transfer of property, when the tax has been previously paid.

*Fourth*—Any assignee of property, liable to tax or duty under this act, which shall come into his possession or occupation after the first day of August in any year, the tax or duty upon which had been previously paid, and the license or acquittance for the same transferred by the assignor to him; and any person who shall acquire property, after the period mentioned, in substitution of property of the like description, upon which the duty imposed by this act had been paid, but which had been destroyed, or had become unserviceable, shall not be liable to pay any tax or duty upon such property; and the tax or duty so previously paid shall cover, and the license or acquittance in respect thereof shall protect and enure to the property so acquired; in every such case the license shall be produced to the collector of dues, who shall make a memorandum thereon of the transfer or acquisition of the property transferred or acquired as aforesaid.

*Fifth*



*Fifth*—The assignor of any property, for which a license has been obtained, shall, upon transfer thereof, specify in the bill or receipt for the same, whether the license is also transferred, and, if transferred, give in such bill or receipt the number, date, letter, and parish of the license; in default of such bill or receipt, or if it shall not convey the information aforesaid, the assignee of the property shall pay the duty, and take out a fresh license for the same; the assignor of property, and of the benefit of the license for the same, shall not be entitled to occupy or possess any other item of property of the like description in substitution of the transferred property, without paying the duty thereon, and obtaining a fresh license for the same.

Assignor of property to specify whether license is transferred, &c.

*Sixth*—The license obtained by any person during his lifetime shall, upon his death, enure to his personal representatives, or their assignees, for the residue of the term thereof; and in all cases of assignment of property, on which the duty has been paid, and the license for the same transferred, such license shall enure to the assignee for the residue of the term thereof.

Licencee to enure to personal representatives, &c. in case of death of person paying duty.

*Seventh*—Wherever any property liable to tax or duty under this act shall belong to, or be held in trust for any person who shall be an inmate or member of any family, the head or principal member of such family shall be responsible for payment of the taxes or duties thereon, and liable to the penalties imposed by this act in respect thereof.

Head of family responsible for duty on property held in trust for a member thereof.

*Eighth*—Any person who shall, at any time after the first day of August in any year, enter into the occupation of any land or house chargeable with tax or duty, or become possessed of any dutiable property which has not been licensed or registered, or whereon the tax or duty shall not have been paid as aforesaid, shall be liable to pay the whole or a portion of the tax or duty by law imposed, according to the time which will elapse between the period when he entered into the occupation of the land or house, or became possessed of the property, and the next recurring period for the payment of the tax or duty thereupon, such time to be computed from the first day of the quarter during which the occupation or possession commenced, at the rate of one-fourth of the whole annual tax for each quarter, or fractional part of each quarter of a year.

Persons occupying houses after 1st August chargeable with duties proportionably to the time the license has to run.

*Ninth*—The collector of dues is hereby authorized to take declarations under this act.

Collector of dues may take declarations.

*Tenth*—Any person omitting to pay the taxes or duty chargeable under this act within the period limited, and in the manner herein

Penalty on persons contravening the act.



herein prescribed, or to take out the necessary acquittance or license for that purpose, shall forfeit and pay a sum not less than the amount of duties so evaded, and shall also be condemned, on conviction, to pay the amount of tax or duty evaded, and the charges of the necessary licenses, and the costs of the proceeding to recover the same; and any person contravening any of the provisions of this act shall be liable to a penalty not exceeding five pounds.

Form of conviction.

*Eleventh*—The forms of conviction and distress and otherwise under the thirteenth Victoria, chapter thirty-five, may be adapted to meet the exigencies of each case under this act.

#### INTERPRETATION CLAUSES.

Meaning of certain words defined.

*Twelfth*—The word "house," shall mean every inhabited or occupied dwelling-house, shop, store, wharf, warehouse, office, or place of business, of the annual value of twelve pounds or upwards, and shall, for the purpose of such valuation, include and comprise the out-offices, yards, and curtilages, and lands attached thereto; and, for the purposes of taxation under this act, the true annual value of every house shall, when tenanted at a rent, be taken to be the rent actually payable thereon by the year, and where otherwise occupied, the full and just yearly rent at which the same is really and *bonâ fide* worth to be let, shall be taken as such true annual value.

Owner of house, occupied by several persons, deemed the occupier, &c.

*Thirteenth*—Where any house shall be let in different subdivisions, and shall be occupied by several persons or families, or by the owner thereof, together with one or more other person or persons, and the aggregate rents and value thereof shall amount to the sum of twelve pounds, or upwards, such house shall be charged with the duties under this act, as if the same was occupied by one person, or one family only; and the landlord or owner shall be deemed, for the purposes of taxation, the occupier thereof, except where the duty shall have been paid, and the house registered by some other person.

Houses on estates, &c. exempt from house tax, if occupied by owner.

*Fourteenth*—Houses on any estate or pen shall be exempt from the house tax, if occupied by the owner or tenant of the estate or pen, or his family, or by the attorney, overseer, or other servants of the estate or pen, free of rent; but if any such house shall be let, or lent to any person, or used for any other than the purposes of such estate or pen, the same shall be liable to the house tax aforesaid.

Meaning of certain words defined.

*Fifteenth*—The word "carriage," shall mean all spring carriages,



riages, whether used for the transport of persons, on business, or pleasure, or used exclusively in the business of a livery-stable.

2. The word "cart," shall mean every cart, dray, wagon, or wain, whether on springs or not, used for burthen.
3. The words "hackney carriage," shall mean every wheeled carriage, plying for hire in any town, or from one parish to another, for the carriage of passengers, or kept solely for hire and livery stable purpose.
4. The word "fire-arms," shall mean every musket, fowling-piece, gun, or carbine, rifle, pistol, or revolver.
5. The word "horsekind," shall mean every horse, mare, colt, filly, gelding, or mule.
6. The words "working cattle," shall mean all bulls, cows, speyed heifers, steers, horses, mares, geldings, and mules, used or worked on or within the limits of an estate, and all horned stock used on estates, and for carrying produce or other commodities for, or on account of any estate or plantation.
7. The word "boat," shall mean any canoe, wherry, lighter, or other boat.
8. The word "estate," shall mean any land from which five hogsheads or forty barrels of sugar, or thirty five hundred weight of coffee shall be produced, or pimento to the extent of twenty-five bags of one hundred and twenty pounds weight each as an annual average, is gathered.
9. The word "pen," shall mean any land upon which forty head of breeding and other stock are kept, and licensed.
10. The words "collector of dues," shall mean any person appointed, or to be appointed to get in, or receive the duties hereby imposed.

#### COLLECTOR OF DUES' RECEIPT.

*Sixteenth*—On payment of the tax or duties chargeable under this act, the collector of dues shall forthwith make out and deliver to the party paying the same a receipt, in acknowledgment of such payment, and numbered consecutively, in which he shall specify the several items of property for which such tax or duties have been paid, and the respective sums paid thereon, which receipt shall be forthwith delivered by the party receiving the same to the clerk of the peace, who shall thereupon make out and deliver to

*Collector of dues to give to each person paying duties a receipt for same, who shall deliver such receipt to the clerk of the peace.*

to the person entitled thereto a license numbered and otherwise in conformity with the said receipt, and which receipt and license shall be according to such forms as the executive committee shall direct and supply.

#### FIRE-ARMS' LICENSE.

Licenses to keep fire-arms personal.

*Seventeenth*—The respective registration or licenses to keep and to use fire-arms shall be personal, and shall not entitle any person not licensed to keep, carry, or use fire-arms, unless he be the servant of a licensee for that purpose, and shall carry or use the same in his master's service, and within the limits of his property.

Policeman may demand license from person carrying fire-arms, and seize same.

*Eighteenth*—Any policeman or constable may require the production of his license by any person carrying or using any fire-arm otherwise than on public service, and, if such license is not produced, he may seize and convey the fire-arms to the next court of petty sessions of the justices, who, in case of non-production of a license, and satisfactory evidence that the same had been obtained prior to the seizure, shall order that such fire-arms shall be detained for ten days, and then sold, unless earlier redeemed.

#### STILL REGISTRATION.

Persons in possession of stills on 1st August to make return of same, and pay the tax thereon, under penalty.

*Nineteenth*—Every person in possession of a still on the first day of August shall, within ten days thereafter, make a return to the collector of dues of every still in his possession, and pay to the said collector of dues the sum of twenty shillings for each still, and a fee of one shilling to the clerk of the peace, under a penalty not exceeding ten pounds, and not less than forty shillings for each still not so returned; and the collector of dues shall grant a receipt for the said sums to the party paying them: *Provided*, That no still, which has not been used for six months previous to the first day of August, shall be liable to the tax of twenty shillings.

Proviso.

Clerk of peace to give certificate on production to him of collector of dues receipt.

*Twentieth*—Upon the production of such receipt to the clerk of the peace he shall deliver to the party a certificate of registration, in such form as the executive committee shall supply, and make a return to the receiver-general of all certificates so delivered by him at the period fixed in this act for making returns of other certificates granted by him.

Collector of dues to make return of stills returned to him.

*Twenty-first*—The collector of dues shall, at the usual period fixed by this act of making returns of taxes and duties, make a return of all stills returned to him as aforesaid, and remit therewith all monies paid to him for the same.

#### PAYMENT



## PAYMENT IN MOIETIES.

*Twenty-second*—Whenever the duties imposed by this act shall amount to or exceed the sum of four pounds, they may be paid by moieties, the first on or before the tenth day of August, and the second on or before the tenth day of February then next succeeding; and, upon payment of the first moiety, and the production of the receipt of the collector of dues therefor to the clerk of the peace, he shall grant the license by this act required, and so in like manner, upon the payment of the second moiety, and production of the receipt for the same.

Taxes amounting to or above £4 may be paid in moieties,

*Twenty-third*—The duties to be paid by moieties as aforesaid shall be entered and registered by the collector of dues and clerk of the peace respectively, separately, and apart from those paid in full; and the receipts and licenses issued and granted for moieties, shall have the word "moiety" written, or printed legibly on the top, and along the margin of the same respectively; but where the duties are paid in moieties, the clerk of the peace shall demand and receive only the sum of six pence for a license on each moiety.

which must be entered separately from those paid in full.

## LICENSES FOR CARTS.

*Twenty-fourth*—The clerks of the peace shall deliver to the persons entitled thereto, licenses for carts, hackney carriages, boats, and fire arms; and each such license shall state the distinguishing letter assigned by the executive committee to the parish for the year, and shall be marked and distinguished conformably therewith, and shall be numbered in each separate class, with the number assigned thereto in the collector of dues receipt; and a separate number shall be assigned to, and a separate license issued for, each cart, hackney carriage, boat, and fire-arms; but any number of fire-arms may be included in a license for the same.

A separate license must be granted for each cart, carriage, &c.

*Twenty-fifth*—The letter and number mentioned in the license for every cart, hackney carriage, or boat, shall be painted on the right side of such cart, hackney carriage, or bow of such boat, in legible letters and numbers, of the size of at least two inches, in white, on a dark ground.

The letter and number of each cart, &c. must be painted thereon.

## EXEMPTION FROM THE PAYMENT OF DUTIES UNDER THIS ACT.

*Twenty-sixth*—Houses occupied, and carriages, horses, and carts used by officers of her majesty's army and navy, on actual service in this island, and houses in which schools are kept, are hereby exempted from taxation under this act, so long as they

Exemptions from payment of taxes.

shall actually be occupied and used by such officers, and as school houses, but no longer.

Certain carriages exempt from duty.

*Twenty-seventh*—Railway and tramway trucks and carriages, and carts used upon an estate or pen, shall not be liable to seizure, nor shall any such truck, or carriage, or cart, be liable to the payment of any tax under this act, so long as used exclusively upon such railway and tramway, and within the lines and limits of the estate or pen to which they shall belong, upon any public road, running through any such estate or pen, and within the lines or limits of the same.

#### DURATION OF LICENSE.

Duration of license.

*Twenty-eighth*—Each license under this act shall be in force from the first day of August in each year, or from the day on which granted, until the thirty-first day of July next succeeding.

#### DUTIES OF COLLECTORS OF DUES AND CLERKS OF THE PEACE.

Collector of dues and clerk of peace to attend to receive dues, &c.

*Twenty-ninth*—The collector of dues, and the clerk of the peace respectively of each parish shall, at each period fixed by law for the payment of duties, attend on such days, and at such convenient places throughout the parish, as the custos and justices, in special sessions, and in default, as the custos shall determine, to receive payment of duties, and to issue licenses under this act.

Collector of dues must number each receipt granted by him, and transcribe same in a book.

and transmit to receiver-general statement of number of persons who have paid duties, &c.

*Thirtieth*—The collector of dues of each parish shall number, in consecutive order, each receipt granted by him, and transcribe the same in numerical order, in a book to be kept in his office for that purpose, in such form as shall be prescribed by the executive committee, which book shall be open to public inspection; and he shall transmit to the receiver general, on or before the thirtieth day of September in each year, a statement, declared to before a justice of the peace, of the total number of persons who shall have paid taxes or duties, with the aggregate of each head or division of items of property, and the total amount of such payments up to the twenty-eighth day of September in each year; and, within five days after the termination of each month, shall transmit a similar statement for the period elapsed, since the date to which the last return was made, in such form as the executive committee shall, from time to time direct, shewing the number, in consecutive order, of the receipts issued by him during the then preceding month, with the names of the taxpayers, the items of property, and sums paid by each, and the gross aggregate receipts of such month (including land tax); and he shall, at the same time, transmit to the receiver-general the full amount



amount of all such duties and monies received by him, deducting therefrom six *per cent.* for the services performed under this act.

*Thirty-first*—The clerk of the peace of each parish shall mark, on each license issued by him, the number of the corresponding receipt of the collector of dues; and on each license, in respect of each cart, hackney carriage, and boat, the distinguishing letter of the current licensing year, and the number of the general receipt, and the separate number assigned to each cart, hackney carriage, and boat shall also be marked on the license granted therefor; and the clerk of the peace shall also keep a separate record, in alphabetical order, in form to be prescribed and supplied by the executive committee; and shall, within ten days after the expiration of each month, transmit to the receiver-general a copy of his record book, shewing the names of, and items of property, and sums paid by each person, to be declared to before a justice of the peace; and shall also lay before each quarterly vestry of his parish his record book of licenses, except in the precinct of Saint Catherine, where the clerk of the peace may make a return of the names of the persons who have taken out licenses during the quarter in each of the parishes of the precinct.

The clerk of the peace must mark each license with the number of the receipt, &c. given by the collector of dues, and the letter and number of each cart, &c.

Keep a separate record in alphabetical order, and send summary to receiver-general.

*Thirty-second*—The clerk of the peace shall be entitled to receive a fee of one shilling upon each license granted by him, except in the case of moieties as aforesaid, to be paid with the duties to the collector of dues, who shall account for, and pay over the same to the credit of the clerk of the peace, and, at the foot of each receipt, specify the amount of fees so received by him.

He shall receive a fee of 1s. for each license, except in case of moieties.

*Thirty-third*—The collector of dues, and clerk of the peace shall, for every neglect of his duty, or default, forfeit a sum not exceeding five pounds over and above the amount of duties not transmitted; and where such defaulting officer shall be the recipient of any salary payable from the public treasury, the receiver-general shall deduct from such salary the amount of the penalty inflicted for every such neglect or default.

and forfeit £5, &c. for every neglect of duty.

#### REMUNERATION OF COLLECTOR OF DUES.

*Thirty-fourth*—Each collector of dues shall be paid a salary of forty pounds *per annum*, on the warrant of the governor, in addition to the commission of six *per cent.* hereinbefore authorized to be deducted by him from all monies collected by him.

Salary of collector of dues.

#### DUTIES OF POLICE IN EXECUTION OF THIS ACT.

*Thirty-fifth*—Every item of property liable to, but which shall not have paid duty, or been licensed, and also every cart, hack-

Property upon which duty has not been paid, and carts, &c. not let, tered and numbered.



may be seized by police and detained, &c.

ney carriage, or boat, which shall not be lettered or numbered according to the register of the parish, as directed by this act, and whether the same is being used or not, shall be seized by any policeman or constable, and conveyed to a justice of the peace, who may direct the same, and all goods found in the cart, hackney carriage, or boat so seized (except the party in charge shall think fit to remove the said goods), to be kept until the case can be adjudicated by the justices in petty sessions, who may direct the property so seized to be detained until redeemed or sold.

Taxes, &c. to be paid out of proceeds, and surplus returned.

*Thirty-sixth*—Out of the proceeds of such sale, the collector of dues shall be paid the amount of the taxes or duties, and of the license, and the cost and charges of taking, keeping, and selling the property seized, not exceeding one shilling in the pound, and the further sum of four shillings to the seizing officer, and the surplus, if any, shall be returned to the owner or person from whom the property was so taken.

Owner of property seized may redeem same.

*Thirty-seventh*—The owner or person from whom the property was so taken may, at any time before the sale thereof, redeem the same by complying with this act, and paying the sum of four shillings to the seizing officer, and the charges on taking and keeping the property, not exceeding one shilling *per diem*; and the collector of dues shall give a receipt, as hereinbefore directed, for the amount of the license when so to be paid to him, and thereupon the necessary license shall be granted by the clerk of the peace, upon production of which the property shall be restored; but any justice of the peace may direct the seizing officer to sell immediately, by public outcry, any goods seized that may be of a perishable nature, and to apply the proceeds of such sale to the like purposes as herein directed; and, notwithstanding such seizure and sale, the penalties for the breach of this act may be sued for and enforced against the offender.

#### EVASIONS OF THE ACT.

Penalty on a person permitting his license to be used by another.

*Thirty-eighth*—Any person allowing his license to be used by any other person, in contravention of this act, shall be liable to a penalty not exceeding ten pounds, nor less than two pounds; and any person using such license as aforesaid shall be liable to a like penalty.

On a person counterfeiting licenses, &c.

*Thirty-ninth*—Any person who shall counterfeit or forge, or cause or procure to be counterfeited or forged, or aid in counterfeiting or forging, any license, registration letter, number, or mark, or painting, or impression whatsoever, required by this act, or who knowingly shall utter, give, or procure to be given, or make use, or



or procure to be made use of, or accept, or receive any counterfeit or forged license, registration letter, number, or mark, or painting, or impression whatsoever, required by this act, in any respect or particular, shall, for every offence, on conviction, be adjudged to pay the sum of ten pounds, and to be imprisoned, with hard labour, for any period not exceeding six calendar months.

#### RECOVERY OF PENALTIES.

*Fortieth*—All penalties and forfeitures imposed by this act, and all taxes, dues, and arrears required to be paid to the collector of dues, and not paid to him pursuant to the provisions of this act, may, instead of the process of distress prescribed by the "*Tax Collection Act, 1863*," or any act hereafter to be passed for the collection of taxes, be recovered in a summary manner before any two justices of the peace of the parish wherein such offence or default was committed, or the offender or defaulter resides; and, in case of non-payment, may be enforced by distress and sale of the offender's or defaulter's goods, or imprisonment not exceeding three months, unless such penalty, taxes, duties, arrears, and costs shall be sooner paid, and may be enforced under the provisions of the thirteenth Victoria, chapter thirty-five, or any other act in respect to summary proceedings; and the forms of the said last-mentioned act may be adapted to meet the requirements of this act; and notwithstanding anything in the act thirteenth Victoria, chapter thirty-five, contained, the taxes, dues, and arrears, or any of them, and the penalty for omitting to pay the same, may be included in, and recovered on one proceeding.

How penalties may be recovered.

*Forty-first*—In all legal proceedings the production of a certificate, purporting to be signed by the receiver-general, or by any clerk of the peace, or collector of dues, stating the number and description, or the value of property, in respect of which the person therein named appears to have paid duties; and any book, record, statement, or return made by either of those officers in execution of this act, shall be received as *prima facie* evidence of the truth of the statements therein contained; and any certificate, purporting to be signed as aforesaid, that the person therein named does not appear, from any document in his office, authorized to occupy, or keep, or use any property within the meaning of this act, or any greater number of any such items respectively than shall be expressed in any such certificate, shall be also received as *prima facie* evidence of the truth of the facts therein stated.

Certain documents declared *prima facie* evidence.

## GENERAL PROVISIONS.

Licenses, &c. not subject to stamp duties.

*Forty-second*—No receipt, or license, registration certificate, or process under this act shall be subject or liable to any stamp duty.

Duties overpaid may be refunded.

*Forty-third*—The executive committee may refund any amount of license duty which may appear to them to have been overpaid.

Distinguishing letter of each parish to be published in Gazette.

*Forty-fourth*—The executive committee shall in each year determine, and by public advertisement in the Jamaica Gazette, by authority, communicate to the clerk of the peace of each parish or precinct, the distinguishing letter of his parish, to be affixed to licenses for the then ensuing licensing period or year, and the same shall be the distinguishing letter of the parish for that period or year, and shall be inserted in each license under this act accordingly for such parish.

Remuneration to person to aid collector of dues, may be allowed in estimates.

*Forty-fifth*—The executive committee may allow any reasonable sum for remunerating any person appointed by the collector of dues for any parish, with their consent, for aiding him in discovering and proceeding against persons in default or in arrears for duties, and otherwise assisting in the collection of the same.

False declarations punishable.

*Forty-sixth*—If any person shall wilfully make a false declaration, or shall knowingly swear falsely, where an oath is required by this act, every such person, upon conviction, shall be liable to, and shall suffer such penalties as are imposed on persons guilty of wilful and corrupt perjury, and every prosecution in any such respect shall be of a public nature.

Taxes may be recovered, notwithstanding expiry of act.

*Forty-seventh*—Notwithstanding the repeal or expiry of this act, all taxes and duties payable thereunder may be enforced, and all offences committed against its provisions dealt with and punished; and all penalties imposed or incurred thereunder shall be recovered, and all bonds, recognizances, liabilities, and duties enforced under the powers, directions, and authorities of this act, and of any act now or hereafter to be enforced for the collection of taxes and dues, and all proceedings taken or commenced under this or any other act shall continue and be in full force and effect.

## APPROPRIATION OF DUTIES.

Appropriation of duties on breeding stock, &c.

*Forty-eighth*—The duties on breeding stock, and working cattle, estates, plantations, and pens, horsekind, and mules, sheep, canoes, wherries, and other boats, and houses, and on fire-arms and



and stills, shall be appropriated towards the general public service of this island.

#### FORMS.

*Forty-ninth*—The forms and books required by this act shall from time to time be prescribed and supplied to the respective officers by the executive committee.

Books, &c. to be supplied by executive committee.

#### COLLECTOR OF DUES NOT TO INTERFERE IN ELECTIONS.

*Fiftieth*—No collector of dues shall, directly or indirectly, interfere in the election of any member of assembly, or procure any vote to be recorded for any person at such election, or canvass, or endeavour to influence any person to register as a voter in any parish in the island, under a penalty of fifty pounds for the first offence, and two hundred pounds for any future offence, to be recovered in a summary manner under any act of this island.

Penalty on collector of dues interfering with elections, &c.

#### SHORT TITLE AND DURATION.

*Fifty-first*—This act may be cited in all proceedings as "THE LICENSE AND REGISTRATION DUTIES' ACT, 1865," and shall commence and be in force on, from, and after the first day of August, one thousand eight hundred and sixty-five, and until the thirty-first day of July, one thousand eight hundred and sixty-seven.

Short title of act.

Duration thereof.

#### REPEAL OF ACT.

*Fifty-second*—Upon the coming into force of this act the twenty-seventh Victoria, (session two,) chapter nine, shall be repealed, but without prejudice, as by the fifty-seventh section of the twenty-fifth Victoria, chapter thirty-nine, is provided.

27th Vic. (sess. 2.) cap. 9, repealed, on this act coming in force.

#### C A P. XXIX.

*An act to amend the eighteenth Victoria, chapter fifty-four, and the nineteenth Victoria, chapter thirty-eight, relating to the district schools of Vere.*

**W**HEREAS it is desirable to amend an act, passed in the eighteenth year of the reign of her present majesty the queen, entitled "*An act to repeal and amend the several acts relating to the Vere free school, and to make other enactments for rendering more extensively beneficial the said trust, and the funds thereof*," hereinafter referred to as the first recited act; and also an act, passed in the nineteenth year of the reign of her present majesty, entitled "*An act to amend the eighteenth Victoria, chapter fifty-four*,"

Preamble.

*four*," hereinafter referred to as the secondly recited act: *Be it enacted by the governor, legislative council, and assembly of this island:*

Existing clergymen of Vere to be trustees and governors of schools therein, in addition to those already appointed, and with like powers, &c.

*First*—That from and after the passing of this act, all and every or any clergymen or clergyman of the established church of England, now appointed, or hereafter to be appointed to officiate in any church or chapel of the established church in the said parish of Vere, shall, during the period of their or his holding such appointments or appointment, be, and each of them respectively are, and is hereby constituted and appointed trustees and governors, and trustee and governor for the establishing, maintaining, management, and superintendence of the district schools contemplated in, or designed and intended to be established, or already or hereafter to be established in the said parish of Vere, under and by virtue of the first recited act, in addition to the trustees and governors appointed by the first and secondly recited acts respectively; and such clergymen and clergyman shall have the same powers and authorities, and be charged with the same duties and liabilities as the trustees and governors already appointed by the first and secondly recited acts respectively now possess, enjoy, or are subject to, in the same manner as if the said clergymen and clergyman had been originally named as trustees and governors in the first or secondly recited acts.

*Second*—*And whereas* the trustees and governors appointed by the first and secondly recited acts have from time to time received various sums of money on account of rents, rent-charges, and the arrears thereof, issuing out of or chargeable upon real estate, and have paid the same to the receiver-general of this island: *And whereas* sums of money may in future accrue due, and be paid to the said trustees on account of such rents, rent-charges, or arrears thereof, or otherwise: *And whereas* the said trustees and governors are not authorized to draw, and the receiver-general is not authorized to pay any sum or sums of money beyond the annual interest on the sum of six thousand two hundred and fifty-six pounds, principal money in the first recited act mentioned, and it is desirable that the said trustees and governors should be empowered to draw for and apply the sums so received, or to be received by them on account of rents, rent-charges, and arrears thereof, and otherwise for the purpose of carrying out the trusts declared and imposed on the said trustees and governors by the first recited act: *Be it therefore further enacted*, That from and after the passing of this act it shall be lawful for the said trustees and governors, from time to time, as they shall require the same, to draw, and the receiver-general is hereby required to pay to the said trustees and governors, all such sum and sums of money as have, since the passing of the first recited act, already been paid, or which may hereafter be paid

Trustees to draw for monies to credit of their account in receiver-general's books for rents, rent-charges, &c.



paid by the said trustees and governors to the receiver-general to the credit of the account of the said trustees and governors in the receiver-general's books, for or on account of rents, or rent-charges, or arrears thereof, or otherwise: *Provided*, That such sum and sums of money shall be paid and applied by the said trustees and governors for the purpose of carrying out the trusts declared and imposed on them by the first recited act: *Provided also*, That it shall be lawful for the said trustees and governors to invest any surplus monies at any time in their hands, or at their credit in the receiver-general's books, for which they have no immediate use, in the island treasury; and the receiver-general shall pay to the said trustees and governors interest after the rate of six pounds *per centum per annum* on such surplus money so invested, and it shall be lawful for the said trustees and governors to pay and apply the interest, as well as the principal of such surplus monies, or any part thereof, from time to time, for the purpose of carrying out the trusts declared and imposed on the said trustees by the first recited act, any thing therein contained to the contrary in anywise notwithstanding.

Application thereof.

Surplus monies may be invested at interest for purposes of this act.

*Third*—That nothing in this act contained shall be construed or taken to abridge, or in any wise to affect, the rights of the trustees and governors of the district schools of Manchester.

Rights of trustees of Manchester schools not affected by this act.

## C A P. XXX.

*An act to constitute the road number thirty-six, in the parish of Hanover, from the Lucea bridge, over Riley's river, to the main road at Glasgow, in Westmoreland, a main road.*

**B**E it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:

On and after the passing of this act, the road number thirty-six, in the parish of Hanover, leading from the Lucea bridge, over Riley's river, to the main road at Glasgow, in the parish of Westmoreland, shall be, and remain a main road, and be managed and maintained accordingly.

Road No. 26 in Hanover to be a main road.

## C A P. XXXI.

*An act to continue in force, for a limited period, "The Public Audit Act, 1857," (twenty-first Victoria, chapter one), and to increase the salary of the sole commissioner, or auditor general, and for other purposes.*

**B**E it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:

21st Vic. cap. 1, and  
28 Vic. cap. 8, to con-  
tinue same in force,  
to remain in force un-  
til 1st March, 1872.

*First*—"The Public Audit Act, one thousand eight hundred and fifty-seven," of the twenty-first Victoria, chapter one, and the act of the twenty-eighth Victoria, chapter eight, continuing the same in force until the thirty-first day of March, one thousand eight hundred sixty-five, are, and each of them is, as now in operation, hereby continued in force until the thirty-first day of March, one thousand eight hundred and seventy-two.

Additional salary of  
£150 per annum to be  
paid to auditor-gene-  
ral.

*Second*—In addition to the salary now by law payable to the sole commissioner for examining the public accounts, or auditor general, there shall be paid to that officer, on the warrants of the governor, a further sum at the rate of one hundred and fifty pounds *per annum*, by monthly or other payments, as the governor, with the advice of the executive committee, shall direct.

Clerks' salaries.

*Third*—That from and after the passing of this act there shall be paid to the three several clerks now or hereafter to be employed in the office of the sole commissioner or auditor general, the salary set opposite to each of their respective names; that is to say,

To the first clerk—two hundred and twenty-five pounds.

To the second clerk—one hundred and eighty pounds.

To the third clerk—one hundred and twenty pounds.

Proviso.

On the warrant of the governor, by monthly or other payments, as the governor, with the advice of the executive committee, shall direct: *Provided*, That no greater sums than are herein mentioned shall be respectively paid to the above mentioned clerks under this or any other act of this island.



## C A P. XXXII.

*An act to provide for the registrar in chancery and clerk of the patents an annual salary in lieu of fees.* ANNUAL.

## C A P. XXXIII.

*An act to facilitate the discharge of the business in the courts of the precincts of Saint Catherine and Kingston.*

**W**HEREAS it is necessary to make provision for the proper discharge of the duties in the courts of the precincts of Kingston and Saint Catherine: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:* Preamble.

*First*—The assistant judge who last presided in the Surry circuit shall, at the next ensuing court for the precinct of Kingston, and thereafter the assistant judge whose turn it shall be to preside in the Surry circuit, shall assist the chief justice to deliver the gaols, and to hear and determine indictments ready for trial in the precinct of Kingston; and, for such purpose, shall sit in a separate court from the chief justice in the said city of Kingston, and from day to day thereafter, according to the course of practice of the court, and for so much of the residue of such period as is or may be by law fixed for the sitting of the said court as may be necessary, and shall be and hereby is empowered to act in such precinct, as now established, as a judge of assize, oyer and terminer and gaol delivery, fully and effectually to all intents and purposes in such precinct, under this act, for the assistance of the chief justice in the discharge of such criminal business.

Circuit judges to assist the chief justice in delivering the gaols,

and, for such purpose, to sit in a separate court from the chief justice, in Kingston.

*Second*—Each writ of *venire facias*, to be issued after the first day of April next by the clerk of the supreme court for the precinct of Kingston, shall require the provost-marshal to summon ninety good and lawful men to serve as jurors at each term of holding the court for such precinct, and each panel for such precinct shall contain the names of ninety persons, thirty of whom shall be taken from the special jury list, and sixty from the common jury list of such precinct, and such persons respectively shall be taken indifferently, and in due proportion from the several parishes constituting or hereafter to constitute the precinct of Kingston, by this or any other act.

Jurors to be summoned for the precinct, &c.

who are to be drawn  
for to sit in both  
courts.

*Third*—At the opening of the court for the said precinct of Kingston, or at such other time, if need be, during such court, as the chief justice shall fix, the clerk of the court, or his deputy, shall put the names of the jurors on the panel, written on separate pieces of card or paper into a box, and shall separately draw therefrom the names of the jurors, the first half of whom shall be directed to sit as jurors in the court wherein the chief justice shall preside, and the other half in the court wherein the assistant judge shall sit; but nothing herein contained shall disqualify the jurors from sitting in either of the said courts, if called on and directed so to do.

If the criminal business of the St. Catherine and Kingston precincts extends over the time allowed by law, the insolvent and appeal courts of Middlesex and Surry may be adjourned.

*Fourth*—If, in the opinion of the chief justice, the criminal or civil business of either of the courts of the precinct of Saint Catherine, or of the said precinct of Kingston, is likely to extend over the time now allotted by law for the holding of such courts, for the disposal of such business, it shall be lawful for the chief justice to order the adjournment of the insolvent debtors' court for the counties of Middlesex or Surry, as the case may be, and the appeal court for the precinct of Saint Catherine, or of the said precinct of Kingston, to such time and period as he shall deem fit, first giving such public notice thereof as he may deem sufficient, and such adjourned insolvent courts and courts of appeal shall and may be lawfully held, and the business discharged, as if the same had been held under the provisions of the acts now in force for that purpose: *Provided*, If the business, criminal or civil, at such courts is likely to extend over the period now allotted by law, the same shall be proceeded with on the additional days now by law fixed for the holding of the insolvent and appeal courts in the said precincts of Saint Catherine and Kingston.

*Proviso.*

Three days' previous notice to be given for applications for new trials, to enter or set aside nonsuit, &c.

*Fifth*—All notices for applications for new trials, or for liberty to enter or set aside a nonsuit, or to enter a verdict for the defendant, or to arrest the judgment in causes to be tried at the courts of the precinct of Kingston, to be held in the month of January in each year, may be lawfully given to the opposite party at any time before three days previous to the supreme court next after the trial of any such cause.

The St. David's court abolished, and to be hereafter deemed part of the court of the precinct of Kingston.

*Sixth*—That on, from, and after the first day of April next, the court for the parish of Saint David, held under the provisions of the several judicial amendment acts now in force, shall be and is hereby abolished, and such court shall thereafter be, and form, and be deemed to be part and parcel, to all intents and purposes, of the court of the precinct of Kingston, now by law established, as if the same had been originally included under the said several acts in the court of the precinct of Kingston.

*Seventh*



*Seventh*.—The clerk of the peace of the parish of Saint David shall conduct, in the court of the precinct of Kingston, the prosecution of offences charged to have been committed in the parish of Saint David, in the same manner as such business is now conducted by the several clerks of the peace for the parishes of Kingston, Port-Royal, and Saint Andrew.

and the clerk of peace to conduct prosecutions, and in the parish of Kingston.

*Eighth*.—That the grand jury in the home circuit shall, in all cases, except capital cases, consist of not less than seven persons, and of not more than nine, and that seven persons shall in all such cases, except as aforesaid, find a true bill.

Regulation of the number of grand jurors.

*Ninth*.—That on the passing of this act so much of the schedule attached to the several judicial amendment acts as relates to the holding of a court in the parish of Saint David, and the third section of the twenty-first Victoria, chapter twenty-five, shall be, and are hereby repealed.

Portion of schedule to judicial amendment act, and sec. 3 of 21st Vic. cap. 25, repealed.

#### C A P. XXXIV.

*An act to confirm proceedings in courts held under notices of changes in the time of holding the same, by virtue of "The Judicial Amendment Act, one thousand eight hundred and fifty-five" (nineteenth Victoria, chapter ten), section seventeen.*

**W**HEREAS by "The Judicial Amendment Act, one thousand eight hundred and fifty-five" (nineteenth Victoria, chapter ten), section seventeen, it was enacted and provided, among other things, that it should be lawful for the governor, if he should see fit, by writing, under his hand and seal, to alter the times and places for holding any of the circuit courts, and to direct that any such court should be held at such other place, within the parish or precinct for which such court should be held, and at such other time, and to be of such duration as, in his discretion, should appear best adapted for the convenience of the suitors of any such court, and best to answer the ends of justice, but that such alteration in the holding of any such court should not take effect unless made at least four weeks before the holding of the circuit court, the sessions whereof were intended to be affected thereby, nor unless notice of the same should have been previously published in the Jamaica Gazette, by authority, for three weeks: *Provided*, That whenever any such alteration should have been made and published as aforesaid, it should be held to determine the time and place for holding any

Preamble.

any such courts for the future, as fully and effectually as if the same had been fixed and directed by the said act: *And whereas* by an order, made in pursuance of the enactment and provision aforesaid, dated twenty-sixth day of May, one thousand hundred and sixty-two, his excellency the governor did alter the times and durations of several of the circuit courts aforesaid, and by certain other order, made by the like authority, and dated the nineteenth day of January, one thousand eight hundred and sixty-three, his excellency did further alter the times of holding, and the duration of sundry the same and other such circuit courts, as last referred to: *And whereas* the advertizements of such alterations as aforesaid, in the Jamaica Gazette, by authority, by inadvertence were not published for three weeks previously to the holding of the courts, the times for holding which were so respectively altered; and doubts may be entertained as to the validity of the proceedings therein and thereat, and it is expedient to remove such doubts, and to indemnify all judges, jurors, and officers of the said courts for acts done under such orders of the governor, and to ratify and confirm all judgments and proceedings already had or hereafter to be taken and given at the courts at such altered times as aforesaid: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same,*

Judges, jurors, and others indemnified for acts done at courts not advertized in Jamaica Gazette.

*First*—That all judges, jurors, and officers authorizing, or parties to any proceedings already had in such courts as aforesaid, shall be held harmless and indemnified against all consequences of irregularity in such proceedings by reason of such insufficient advertizements as aforesaid; and all their acts shall be deemed and taken to be of the like effect and validity as if the advertizements of the several notices of change of time in the holding of such courts had been previously published in the Jamaica Gazette, by authority, for three weeks, according to the true meaning and intent of the enactment and provision first above recited.

Times at which home circuit courts of Kingston shall sit.

*2d* [Second]—That in the home circuit, the precinct court of Kingston, Port-Royal, and Saint Andrew, and of any other parish to be amalgamated therewith, shall meet on the eighth Monday after the rising of the supreme court in each of the terms of February and June; and, after the October term, on the first Monday in January thereafter, and shall sit as heretofore in the city of Kingston, and shall endure for three weeks each time, if necessary.

Schedule A of "Judicial Amendment Act of 1855," to regulate holding of Cornwall circuit courts, continued.

*3rd* [Third]—That the schedule A, in "The Judicial Amendment Act, 1855," prescribing the times of holding, and the duration of the courts in the Cornwall circuit, shall continue to regulate the holding and duration of the said courts.

*4th* [Fourth]



**4th [Fourth]**—That the district court of the parish of Saint George, in the Surry circuit, shall be held at Buff-Bay, and shall meet on the Monday after the termination of the Portland court, and shall sit for two days each time if necessary; and the district court of Metcalfe, in the Surry circuit, shall be held at Annotto-Bay, and shall meet on the first Wednesday after the termination of the Saint George's court, and shall sit for four days each time, if necessary.

Days on which the Surry circuit courts in St. George, Portland, and Metcalfe shall sit.

**5th [Fifth]**—That the district court for the parish of Saint Thomas in the Vale, in the Middlesex circuit, shall be held at Rodney-Hall, and shall meet on the first Tuesday instead of the first Thursday after the termination of the sittings of each supreme court, and shall sit for five days, if necessary; the first of such altered sittings of such last-mentioned circuit court to commence after the termination of the ensuing sittings of the said supreme court for the June term, one thousand eight hundred and sixty-five.

Also the district courts of St. Thomas in the Vale.

## C A P. XXXV.

*An act further to check frivolous and vexatious suits and defences.*

**WHEREAS** the institution of, and defence to suits by persons of no substance, and without merits, have proved a scandal to the law, and a sore tax to those subjected to such unequal contests: *And whereas* the present practice of the law is otherwise in many cases oppressive: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,*

Preamble.

**First**—That if it be established to the satisfaction of a judge that any plaintiff or defendant is unable to answer for the costs of a suit instituted or defended by him, such judge shall order that, unless security for costs be given, the suit shall be litigated by affidavits on both sides before any judge, or before the court, and shall be thus determined unless the judge or court shall, upon the materials thus disclosed, see fit to refer the question to the ordinary mode of trial.

If parties are unable to answer for costs, judge may order suit to be litigated by affidavits.

**Second**—That the judge or court, in any action to be so litigated on affidavits, shall have power to award a nonsuit, or a verdict for the plaintiff or defendant, and for such damages as the justice of the case may require.

Power granted to judge to award verdict on actions so litigated.

**Third**—That if an action be instituted vexatiously, without previous

In frivolous suits judge may relieve parties of costs.

vious demand of payment or satisfaction, the defendant may, on payment into court of the sum admitted to be due, move the court, or a judge, on affidavit, to be relieved of the costs of the action; and if the judge or court shall deem the action to have been vexatiously instituted, without an opportunity having been afforded of settling same, the defendant shall be relieved of the costs of such action.

Costs not to be taxed to plaintiff unless certified by judge.

*Fourth*—That if an action be brought on a judgment, costs shall not be taxed to the plaintiff unless the judge, before whom the action is tried, or the court above, shall certify that a case of necessity for such further action has been established.

As to taxation of costs.

*Fifth*—That in the taxation of costs, if more than one remedy be open to a suitor, and he shall pursue the more costly course, only such costs shall be taxed as the less costly course would have entailed.

## C A P. XXXVI.

*An act to simplify and cheapen proceedings in chancery.*

**B**E it enacted by the governor, legislative council, and assembly of this island,

Certain mode of proceeding to be abolished, and practice to be in future assimilated to those at common law.

*First*—That for simplifying and cheapening the procedure in chancery, petitions of course and orders thereon shall be abolished, and the practice for the future shall, in this respect, be assimilated to that at common law, by filing in all such cases side-bar rules with the registrar, embodying the terms of such orders as on petitions of course would have been entered up.

Mode of preserving uniformity in the records.

*Second*—That for uniformity in the records, such side-bar rules shall be engrossed on the size of paper prescribed by the rules of the court for interlocutory proceedings, and the registrar, if the rule be in form, shall subscribe his name thereto in affirmance thereof, and the same shall be filed and operate as an order in the terms of the rule.

How fees are to be charged when value of the suit be small.

*Third*—That where the value of the subject matter of a suit shall be of or below the respective amounts hereunder stated, there shall be charged by attorneys, counsel, masters, and others deriving fees therefrom, the proportion of costs specified in the under-mentioned scale of fees, *videlicet* :

Where the value shall be of or below the limit of—

Fifty



Fifty pounds; one-fourth of the fees now payable, and causes in this class shall be styled as of the fourth class.

One hundred pounds, one-third of the fees now payable, and causes in this class shall be styled as of the third class.

One hundred and fifty pounds; one-half of the fees now payable, and causes in this class shall be styled as of the second class; and causes above that value shall rank as of the first class, and entitled to the full scale of charges.

*Fourth*—That the stamps on process, within the scale aforesaid, shall also be abated proportionably in the ratio above provided with regard to the fees.

Abatement in value of stamps.

*Fifth*—If a suit, instituted in any particular class, shall at any stage be found to appertain to a higher class, the same shall not be thereby affected, but the parties (unless the court shall order the same to be borne exclusively, or in certain proportions by the party or parties in default), shall, on the demand of the registrar, make up the difference of stamps in respect of all papers and proceedings respectively filed or taken by them in the cause, as hereinafter mentioned.

Registrar to demand difference of stamps in case a suit shall be found to appertain to a higher class,

*Sixth*—That the additional stamps, so to be exacted by the registrar, shall be impressed on a satisfaction piece, to be signed and entered up by the registrar in the cause, stating the transfer of the suit from one class to a higher one, and the sum payable in respect thereof, and stating the amount of stamps so impressed on the satisfaction piece.

which shall be impressed on a satisfaction piece, to be signed by him, &c.

*Seventh*—That the additional stamps aforesaid shall be allowed to the parties on taxation.

and allowed in taxation.

*Eighth*—That the masters, in making up their report, shall not embody nor repeat the claims and vouchers lodged with them in their reports, but shall make a schedule of claims propounded before them, distinguishing such as are admitted to proof, and established, from those which have been disallowed, numbering the same consecutively, and referring, by the distinguishing number, to the proofs and vouchers in their office in support of their report.

Regulation as to making up of masters' reports.

*Ninth*—That the practice of issuing several consecutive notices from the master's office for one and the same act shall be abolished,

One peremptory notice to be issued, and taxation allowed thereon.

ed, and that but one peremptory notice for each act shall be allowed in taxation.

Cases may be transferred from one master to the other on leaving the island, and papers deposited with registrar.

*Tenth*—That as soon as any master leaves the island either party may, by a side-bar rule, transfer the cause to the master next in rotation; and, before quitting the island, each master shall deposit with the registrar the papers and documents in all suits referred to, and pending before him.

Vacancies in masters' offices not to be filled up, nor new appointments made.

After extinction of office duties to be discharged by registrar.—Remuneration.

*Eleventh*—That as vacancies shall occur in the office of master the same shall not be filled up, nor shall any further appointments thereto be made, but the duties shall be confined to the masters now existing, and to their survivors and survivor; and on the total extinction of the now-existing officers, the duties theretofore discharged by the masters shall be performed by the registrar, who shall be entitled to be remunerated for such extra duties according to the allowance to be from time to time ordered by the court, according to the nature and quality of the services rendered; and the court shall have power to direct the employment of accountants, engineers, actuaries, or other scientific persons to facilitate the enquiries and references aforesaid, and to act upon the certificate of such persons, and to make and order such allowance and remuneration, as to the court shall seem just.

Masters' fee for taking affidavit.

*Twelfth*—That the fee of the master and masters extraordinary, for taking an affidavit, shall be in all cases one shilling, irrespective of the classification as aforesaid of the suit; and that in parishes where there is not to be found any master to discharge the ministerial functions of such office, the same may be discharged by any justice of the peace.

Surplusage may be expunged, unnecessary allegations struck out, and costs allowed accordingly.

*Thirteenth*—That either party to a suit may, by motion, compel the opposite party to expunge all unnecessary surplusage or impertinences; and, if the charge be established, the court shall refer it to the registrar to strike out such unnecessary allegations; and, in order to enforce brevity in the proceedings of the court, the registrar, on the taxation of costs, shall have due regard to the rules against prolixity, and disallow all charges incurred by their violation.

As to the sale of lands on a decree.

*Fourteenth*—That on a decree for sale of lands, an authenticated copy of the order of confirmation of the sale thereof, under the seal of the court, and stamped with the *ad valorem* duty, as on a conveyance, shall be sufficient to divest the estates of all parties to the suit within the jurisdiction of the court, and bound by such decree, and to vest the same in the purchaser, according to the terms and limitations to be embodied in the said order of confirmation of sale.

C A P.



## C A P. XXXVII.

*An act to simplify pleadings in the supreme court of common law in this island.*

**W**HEREAS the process, practice, and mode of pleading in the superior courts of common law in this island may be rendered more simple and speedy, and also less costly to suitors : *Be it enacted by the governor, legislative council, and assembly of this island,*

Preamble.

## WITH RESPECT TO THE LANGUAGE AND FORM OF PLEADING.

*First*—All statements in pleading shall be made briefly and concisely, and all statements which need not be proved, such as the statement of time, quantity, quality, and value, where these are immaterial, the statement of losing and finding, and bailment in actions for goods, or their value, the statement of acts of trespass having been committed with force and arms, and against the peace of our lady the queen, the statements of promises which need not be proved as promises in *indebitatus* counts, and mutual promises to perform agreements, and all statements of a like kind shall be omitted, and no costs whatsoever shall be allowed for any statement by this act rendered unnecessary.

Fictitious and needless averments not to be made.

*Second*—Either party may object, by demurrer, to the pleading of the opposite party, on the ground that such pleading does not set forth sufficient ground of action, defence, or reply, as the case may be ; and where issue is joined on such demurrer, the court shall proceed and give judgment according as the very right of the cause and matter in law shall appear unto them, without regarding any imperfection, omission, defect in, or lack of form ; and no judgment shall be arrested, stayed, or reversed for any such imperfection, omission, defect in, or lack of form.

Judgment upon demurrer to be given.

to the right of the cause.

*Third*—No pleading shall be deemed insufficient for any defect which could heretofore only be objected to by special demurrer.

Objections by way of special demurrer to be given.

*Fourth*—If any pleading be so framed as to prejudice, embarrass or delay the fair trial of the action, the opposite party may apply to the court, or a judge, to strike out or amend such pleading ; and the court, or any judge, shall make such order respecting the same, and also respecting the costs of the application, as such court or judge shall see fit.

Pleadings framed to embarrass may be struck out or amended.

*Fifth*—It shall not be necessary to make *profert* of any deed or

*Profert* and *oyer* abolished.

other document mentioned, or relied on in any pleading; and if *profert* shall be made, it shall not entitle the opposite party to craveoyer of, or set out uponoyer, such deed or other document.

Document may be set out, and be considered part of the pleading in which it is set forth.

*Sixth*—A party pleading in answer to any pleading in which any document is mentioned or referred to, shall be at liberty to set out the whole or such part thereof as may be material, and the matter so set out shall be deemed and taken to be part of the pleading in which it is set out.

Performance of conditions precedent may be averred generally.

*Seventh*—It shall be lawful for the plaintiff or defendant in any action to aver performance of conditions precedent generally, and the opposite party shall not deny such averment generally, but shall specify in his pleading the condition or conditions precedent, the performance of which he intends to contest.

#### WITH RESPECT TO THE MANNER OF DECLARING.

Form of commencement, &c. of declaration.

*Eighth*—Every declaration, other than in the action of ejectment, shall commence as follows, or to the like effect:

*In the supreme court* term 18

(Venue) A. B. *by* E. F. *his attorney* (or in person, as the case may be) *sues* C. D. *for* (here state cause of action).

And shall conclude as follows, or to the like effect:

"*And the plaintiff claims*                      *pounds* (or, if the action is brought to recover specific goods, the plaintiff claims a return of the said goods, or their value, and                      *pounds* for their detention.)"

Commencement of declaration after plea of non-joinder.

*Ninth*—In all cases in which, after a plea in abatement of the non-joinder of another person as defendant, the plaintiff shall, without having proceeded to trial on an issue thereon, commence another action against the defendant or defendants in the action in which such plea in abatement shall have been pleaded, and the person or persons named in such plea in abatement as joint-contractors, or shall amend, by adding the omitted defendant or defendants, the commencement of the declaration, after stating the court and term, shall be in the following form, or to the like effect:

(Venue) "A. B. *by* E. F. *his attorney* (or in his own proper person, &c.) *sues* C. D. and G. H. *which said* C. D. *has heretofore pleaded in abatement the non-joinder of the said* G. H. *for,*" &c.

Declaration for libel or slander.

*Tenth*—In actions of libel and slander, the plaintiff shall be at liberty



liberty to aver the words or matter complained of were used in a defamatory sense, without any prefatory averment to show how such words or matter were used in that sense; and such averment shall be put in issue by the denial of the alleged libel or slander; and where the words or matter set forth, with or without the alleged meaning, shew a cause of action, the declaration shall be sufficient.

#### WITH RESPECT TO PLEADINGS.

*Eleventh*—Every pleading subsequent to the declaration, shall be entitled in the court, and of the day of the month, and the year when the same are pleaded, and shall bear no other time or date.

Time for pleading.

*Twelfth*—Express colour shall no longer be necessary in any pleading.

Express colour abolished.

*Thirteenth*—Special traverses shall not be necessary in any pleading.

Special traverses abolished.

*Fourteenth*—In a plea or subsequent pleading, it shall not be necessary to use any allegation of *actionem non*, or *actionem ulterius non*, or to the like effect, or any prayer of judgment; nor shall it be necessary, in any replication or subsequent pleading, to use any allegation of *precludi non*, or to the like effect, or any prayer of judgment.

Formal commencement and power of judgment unnecessary.

*Fifteenth*—No formal defence shall be required in a plea, or avowry, or cognizance; and it shall commence as follows, or to the like effect:

Commencement of plea.

“The defendant, by his attorney (or in person, or as the case may be), says that (here state first defence).”

And it shall not be necessary to state, in a second or other plea, or avowry, or cognizance, that it is pleaded by leave of the court, or a judge, or according to the form of the statute, or to that effect; but every such plea, avowry, or cognizance, shall be written in a separate paragraph, and numbered, and shall commence as follows, or to the like effect:

“And for a second (&c.) plea, the defendant says that (here state second, &c. defence).”

Or, if pleaded to part only, then as follows, or to the like effect:

“And for a second (&c.) plea, to (stating to what it is pleaded) the defendant says that, &c.”

And no formal conclusion shall be necessary to any plea, avowry, cognizance, or subsequent pleading.

*Sixteenth*

Plea of matter subsequent to action.

*Sixteenth*—Any defence arising after the commencement of any action, shall be pleaded according to the fact, without any formal commencement or conclusion; and any plea which does not state whether the defence therein set up arose before or after action, shall be deemed to be a plea of matter arising before action.

Plea puis darrein continuance, when and how to be pleaded.

*Seventeenth*—In cases in which a plea *puis darrein continuance* has heretofore been pleadable in banc, or at the circuit or assize court, the same defence may be pleaded, with an allegation that the matter arose after the last pleading; and such plea may, when necessary, be pleaded at the circuit or assize court; but no such plea shall be allowed, unless accompanied by an affidavit that the matter thereof arose within eight days next before the pleading of such plea, or unless the court, or a judge, shall otherwise order.

Payment into court, how pleaded.

*Eighteenth*—When money is paid into court, such payment shall be pleaded in all cases as near as may be in the following form, *mutatis mutandis*:

“The defendant, by his attorney (or in person, &c.) (if pleaded to part, say as to £ parcel of the money claimed), brings into court the sum of £ and says that the said sum is enough to satisfy the claim of the plaintiff, in respect of the matter herein pleaded to.”

No order to pay money into court.

*Nineteenth*—No rule or judge's order to pay money into court shall be necessary, except in the case of one or more of several defendants; but the money shall be paid to the proper officer of each court, who shall give a receipt for the amount in the margin of the plea; and the said sum shall be paid out to the plaintiff, or to his attorney, upon a written authority from the plaintiff, on demand.

Proceedings by plaintiff after payment into court.

*Twentieth*—The plaintiff, after the delivery of a plea of payment of money into court, shall be at liberty to reply to the same, by accepting the sum so paid into court, in full satisfaction and discharge of the cause of action in respect of which it has been paid in, and he shall be at liberty, in that case, to tax his costs of suit; and in case of non-payment thereof, within forty-eight hours, to sign judgment for his costs of suit so taxed; or the plaintiff may reply that the sum paid into court is not enough to satisfy the claim of the plaintiff in respect of the matter to which the plea is pleaded; and, in the event of an issue thereon being found for the defendant, the defendant shall be entitled to judgment, and his costs of suit.

Pleas to actions partaking both of breach of contract and wrong.

*Twenty-first*—In cases where the causes of action may be considered



sidered to partake of the character both of breaches of contract and of wrongs, any plea which shall be good in substance shall not be objectionable, on the ground of its treating the declaration either as framed for a breach of contract or for a wrong.

*Twenty-second*—All pleadings capable of being construed distributively, shall be taken distributively; and if issue is taken thereon, and so much thereof as shall be sufficient answer to part of the causes of action proved, shall be found true by the jury, a verdict shall pass for the defendant in respect of so much of the causes of action as shall be answered, and for the plaintiff in respect of so much of the causes of action as shall not be so answered.

How distributive pleadings shall be construed.

*Twenty-third*—A defendant may either traverse generally such of the facts contained in the declaration as might have been denied by one plea, or may select or traverse separately any material allegation in the declaration, although it might have been included in a general traverse.

Traverse of the declaration.

*Twenty-fourth*—A plaintiff shall be at liberty to traverse the whole of any plea, or subsequent pleading of the defendant, by a general denial, or admitting some part or parts thereof, to deny all the rest, or to deny any one or more allegations.

Traverse of plea, or subsequent pleading of defendant.

*Twenty-fifth*—A defendant shall be at liberty, in like manner, to deny the whole or any part of a replication, or subsequent pleading of the plaintiff.

Traverse of replication or subsequent pleading of plaintiff.

*Twenty-sixth*—Either party may plead, in answer to the plea, or subsequent pleading of his adversary, that he joins issue thereon, which joinder of issue may be as follows, or to the like effect:

Joinder of issue.

*The plaintiff joins issue upon the defendant's first (&c. specifying what, or what part), plea.*

*The defendant joins issue upon the plaintiff's replication to the first (&c. specifying what), plea.*

And such form of joinder of issue shall be deemed to be a denial of the substance of the plea, or other subsequent pleading, and an issue thereon; and in all cases where the plaintiff's pleading is in denial of the pleading of the defendant, or some part of it, the plaintiff may add a joinder of issue for the defendant.

*Twenty-seventh*—Either party may, by leave of the court, or a judge, plead and demur to the same pleading at the same time, upon an affidavit by such party, or his attorney, if required by the court, or a judge, to the effect that he is advised, and believes that he

As to pleading and demur together.

he has just grounds to traverse the several matters proposed to be traversed by him; and that the several matters sought to be pleaded as aforesaid, by way of confession and avoidance, are respectively true in substance and in fact; and that he is further advised, and believes that the objections raised by such demurrer are good and valid objections in law; and it shall be in the discretion of the court, or a judge, to direct which issue shall be first disposed of.

Several matters may be pleaded at any stage of the pleadings.

*Twenty eighth*—The plaintiff in any action may, by leave of the court, or a judge, plead, in answer to the plea, or the subsequent pleading of the defendant, as many several matters as he shall think necessary to sustain his action; and the defendant in any action may, by leave of the court, or a judge, plead, in answer to the declaration, or other subsequent pleading of the plaintiff, as many several matters as he shall think necessary for his defence, upon an affidavit of the party making such application, or his attorney, if required by the court, or judge, to the effect that he is advised, and believes that he has just ground to traverse the several matters proposed to be traversed by him; and that the several matters sought to be pleaded as aforesaid, by way of confession and avoidance, are respectively true in substance and in fact: *Provided*, That the costs of any issue, either of fact or law, shall follow the finding or judgment upon such issue, and be adjudged to the successful party, whatever may be the result of the other issue or issues.

Proviso.

Judge's order to plead several matters sufficient.

*Twenty-ninth*—No rule of court, for leave to plead several matters, shall be necessary where a judge's order has been made for the same purpose.

Objections to pleadings to be heard on summons.

*Thirtieth*—All objections to the pleading of several pleas, replications, or subsequent pleadings, or several avowries, or cognizances, on the ground that they are founded on the same ground of answer or defence, shall be heard upon summons before a judge.

One new assignment only allowed in respect of the same cause of action.

*Thirty-first*—One new assignment only shall be pleaded to any number of pleas to the same cause of action, and such new assignment shall be consistent with, and confined by the particulars delivered in the action, if any, and shall state that the plaintiff proceeds for causes of action, different from all those which the pleas profess to justify, or for an excess over and above what all the defences set up in such pleas justify, or both.

Plea not to be repeated.

*Thirty-second*—No plea, which has already been pleaded to the declaration, shall be pleaded to such new assignment, except a plea in denial, unless by leave of the court, or a judge, and such leave shall



shall only be granted, upon satisfactory proof that the repetition of such plea is essential to a trial on the merits.

*Thirty-third*—The form of a demurrer, except in the cases herein specifically provided for, shall be as follows, or to the like effect :

Form of demurrer and joinder in demurrer.

*"The defendant by his attorney (or in person, &c. or plaintiff), says, that the declaration (or plea, &c.) is bad in substance."*

And, in the margin thereof, some substantial matter of law, intended to be argued, shall be stated ; and if any demurrer shall be delivered without such statement, or with a frivolous statement, it may be set aside by the court, or a judge, and leave may be given to sign judgment for want of a plea, and the form of a joinder in demurrer shall be as follows, or to the like effect :

*"The plaintiff (or defendant) says, that the declaration (or plea, &c.) is good in substance."*

*Thirty-fourth*—Where an amendment of any pleading is allowed, no rule or notice to plead thereto shall be necessary, but the opposite party shall be bound to plead to the amended pleading within the time specified in the original rule, or within four days after amendment, whichever shall last expire, unless otherwise ordered by the court, or a judge ; and in case the amended pleading has been pleaded to before amendment, and is not pleaded to *de novo* within two days after amendment, or within such other time as the court, or a judge, shall allow, the pleadings originally pleaded thereto shall stand, and be considered as pleaded in answer to such amended pleading.

Time for pleading after amendment.

#### AS TO STATEMENTS OF CAUSES OF ACTION, AND FORMS OF PLEADING.

*Thirty-fifth*—The forms contained in the schedule A, to this act annexed, shall be sufficient, and those and the like forms may be used with such modifications as may be necessary to meet the facts of the case ; but nothing herein contained shall render it erroneous or irregular to depart from the letter of such forms, so long as the substance is expressed without prolixity.

Forms in schedule may be adopted.

*Thirty-sixth*—The signature of counsel shall not be necessary to any pleading.

Council's signature not necessary to pleadings.

*Thirty-seventh*—Nothing in this act shall in any way affect the provisions of the imperial statute, eighth and ninth William the third, chapter eleven, for the better preventing frivolous

Imperial statute 8th and 9th Wm. 3, cap. 2, not affected by this act.

and vexatious suits, as to the assignment or suggestion of breaches, or as to judgment for a penalty as a security for damages in respect of further breaches.

No entry or continuance by way of *imparlance curia advisari vult*, *vice comes non misit breve vult*, or otherwise, shall be made on any record.

*Thirty-eighth*—No entry or continuance by way of *imparlance curia advisari vult*, *vice comes non misit breve vult*, or otherwise, shall be made upon any record, postea, or entry of judgment, nor shall it be necessary to allege that the original record is transmitted to the court, and the assessment of costs by the jury, and of nominal damages on actions of the nature of actions of debt, shall not be necessary; but it shall be sufficient to enter the pleadings on the record in their order, according to date, and, when necessary, the award of a jury, in the terms following: "Therefore let a jury come, &c." and concluding with the postea and judgment.

Actions pending at commencement of this act to be proceeded with.

*Thirty-ninth*—All actions and proceedings pending at the time of the commencement of this act, may be proceeded with and carried to judgment, and execution thereon enforced, according to law and practice under which the same were respectively authorized and undertaken, and were and would continue to be regulated, as if this act had not been passed.

Provisions of acts not inconsistent with this, in force.

*Fortieth*—The provisions of all acts not inconsistent with the provisions of this act, and which may be applicable to the altered mode of proceeding, shall remain in force, and be applied thereto.

Evidence hereafter given under general issue, prior to passing of this act.

*Forty-first*—Nothing in this act shall tend to prevent the same evidence being hereafter given under the general issue, as might be given under the general issue prior to the passing of this act.

Act to come into operation 1st May, 1865.

*Forty-second*—This act shall come into operation on the first day of May, one thousand eight hundred and sixty-five, and may be cited as "THE COMMON LAW PLEADING ACT, 1865."

#### SCHEDULE A.

##### FORMS OF PLEADINGS—STATEMENTS OF CAUSES OF ACTION—ON CONTRACTS.

1. *Money payable by the defendant to the plaintiff* for (these words, "money payable, &c." should precede money counts, like 1 to 13, but need only be inserted in the first), *goods bargained and sold by the plaintiff to the defendant.*

2. *Work*



2. *Work done, and materials provided by the plaintiff for the defendant, at his request.*

3. *Money lent by the plaintiff to the defendant.*

4. *Money paid by the plaintiff for the defendant, at his request.*

5. *Money received by the defendant, for the use of the plaintiff.*

6. *Money found to be due from the defendant to the plaintiff, on account stated between them.*

7. *A messuage and lands, sold and conveyed by the plaintiff to the defendant.*

8. *The good will of a business of the plaintiff, sold and given up by the plaintiff to the defendant.*

9. *The defendant's use, by the plaintiff's permission, of messuages and lands of the plaintiff.*

10. *The defendant's use, by the plaintiff's permission, of a fishery of the plaintiff's.*

11. *The hire of (as the case may be), by the plaintiff, let to hire to the defendant.*

12. *Freight for the conveyance by the plaintiff, for the defendant, at his request, of goods in ships.*

13. *The demurrage of a ship of the plaintiff, kept on demurrage by the defendant.*

14. *That the defendant, on the                      day of                      A. D. by his promissory note, now overdue, promised to pay to the plaintiff £                      (two) months after date, but did not pay the same.*

15. *That one A on, &c. (date), by his promissory note, now overdue, promised to pay to the defendant, or order, £                      (two) months after date, and the defendant endorsed the same to the plaintiff, and the said note was duly presented for payment, and was dishonored, whereof the defendant had due notice, but did not pay the same.*

16. *That the plaintiff on, &c. (date), by his bill of exchange, now overdue, directed to the defendant, required the defendant to pay to the plaintiff £                      (two) months after date, and the defendant accepted the said bill, but did not pay the same.*

17. That the defendant on, &c. (date), by his bill of exchange, directed to A, required A to pay to the plaintiff £ (two) months after date, and the said bill was duly presented for acceptance, and was dishonored, of which the defendant had due notice, but did not pay the same.

18. That the plaintiff and defendant agreed to marry one another, and a reasonable time for such marriage has elapsed, and the plaintiff has always been ready and willing to marry the defendant, yet the defendant has neglected and refused to marry plaintiff.

19. That the plaintiff and defendant agreed to marry one another on a day now elapsed, and the plaintiff was ready and willing to marry the defendant on that day, yet the defendant neglected and refused to marry the plaintiff.

20. That the defendant, by warranting a horse to be then sound and quiet to ride, sold the said horse to the plaintiff, yet the said horse was not then sound, and quiet to ride.

21. That the plaintiff and the defendant agreed, by charter party, that the plaintiff's ship, called "The Ariel," should, with all convenient speed, sail to R, or so near thereto as she could safely get, and that the defendant should there load her with a full cargo of tallow, or other lawful merchandize, which she should carry to H, and there deliver, on payment of freight £ per ton; and that the defendant should be allowed ten days for loading, and ten for discharge, and ten for demurrage, if required, at £ per day; and that the plaintiff did all things necessary on his part to entitle him to have the agreed cargo loaded on board the said ship at R, and that the time for so doing has elapsed, yet the defendant made default in loading the agreed cargo.

22. That the plaintiff let to the defendant a house, No. street, Kingston, for seven years, to hold from the day of A. D. 18 at £ a year, payable quarterly, of which rent quarters are due and unpaid.

23. That the plaintiff, by deed, let to the defendant a house, No. street, Kingston, to hold for seven years from the day of A. D. 18 and the defendant, by the said deed, covenanted with the plaintiff, well and substantially to repair the said house during the said term (according to the covenant), yet the said house was, during the said term, out of good and substantial repair.



## FOR WRONGS INDEPENDENT OF CONTRACT.

24. That the defendant broke and entered certain land of the plaintiff, called the "*Big Field*," and depastured the same with cattle.

25. That the defendant assaulted and beat the plaintiff, gave him into custody to a policeman, and caused him to be imprisoned in a police office.

26. That the defendant debauched and carnally knew the plaintiff's wife.

27. That the defendant converted to his own use, or wrongfully deprived the plaintiff of the use and possession of the plaintiff's goods, that is to say, iron, bricks, household furniture (or as the case may be).

28. That the defendant detained from the plaintiff his title deeds of land, called *Belmont*, in the parish of \_\_\_\_\_ in the county of \_\_\_\_\_ that is to say (describe the deeds).

29. That the plaintiff was possessed of a mill, and, by reason thereof, was entitled to the flow of a stream for working the same, and the defendant, by cutting the bank of the said stream, diverted the water thereof away from the said mill.

30. That the plaintiff was the first and true inventor of a certain new manufacture, that is to say, of "*certain improvements in the manufacture of sulphuric acid*," and thereupon her majesty queen Victoria, or his excellency captain-general and governor in chief of her majesty's said island of Jamaica, in the name and on behalf of her majesty queen Victoria, by letters patent, under the broad seal of this island, granted the plaintiff the sole privilege to make, use, exercise, and vend the said invention, within the said island, for the term of fourteen years, from the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_\_\_ subject to (here state any condition which the said letters patent were granted subject unto), and the plaintiff did, within the time prescribed, fulfil the said condition; and the defendant, during the said term, did infringe the said patent rights.

31. That the defendant falsely and maliciously spoke and published of the plaintiff the words following; that is to say, "*he is a thief*" (if there be any special damage, here state it, with such reasonable particularity as to give notice to the defendant, of the peculiar injury complained of, for instance),

stance), whereby the plaintiff lost his situation as a penkeeper (or, as the case may be), in the employ of A.

32. That the defendant falsely and maliciously printed and published of the plaintiff, in a newspaper, called the words following; that is to say, "he is a regular prover under insolvencies;" the defendant meaning thereby that the plaintiff had proved, and was in the habit of proving fictitious debts against the estates of insolvents, with the knowledge that such debts were fictitious.

#### COMMENCEMENT OF PLEA.

33. The defendant, by his attorney (or in person), says (here state the substance of the plea.)

34. And, for a second plea, the defendant says (here state the second plea.)

#### PLEAS IN ACTIONS ON CONTRACTS.

35. That he never was indebted as alleged. (This plea is applicable to declarations, like those numbered 1 to 13).

36. That he did not promise as alleged. (This plea is applicable to other declarations on simple contracts, such as those numbered 18 to 21. It would be unobjectionable to use "did not warrant," "did not agree," or any other appropriate denial.)

37. That the alleged deed is not his deed.

38. That the alleged cause of action did not accrue within six years (state the period of limitation applicable to the case), before this suit.

39. That the plaintiff, at the commencement of this suit, was, and still is indebted to the defendant, in an amount equal to the plaintiff's claim for (here state the cause of set-off as in a declaration) (see forms ante), which amount the defendant is willing to set-off against the plaintiff's claim.

#### PLEAS IN ACTION FOR WRONGS, INDEPENDENT OF CONTRACT.

40. That he is not guilty.

41. That he did what is complained of by the plaintiff's leave.

42. That the plaintiff first assaulted the defendant, who thereupon



*thereupon necessarily committed the alleged assault in his own defence.*

43. *That the defendant, at the time of the alleged trespass, was possessed of land, the occupiers whereof, for twenty years before this suit, enjoyed, as of right, and without interruption, a way on foot, and with cattle, from a public highway, over the said land of the plaintiff, to the said land of the defendant; and from the said land of the defendant, over the said land of the plaintiff, to the said public highway, at all times of the year, for the more convenient occupation of the said land of the defendant, and that the alleged trespass was a use by the defendant of the said way.*

#### REPLICATIONS.

44. *The plaintiff takes issue upon the defendant's first, second, &c. pleas.*

45. *The plaintiff, as to the second plea, says (here state the answer to the plea, as in the following forms):*

46. *That the alleged set-off did not accrue within six years before this suit.*

47. *That the plaintiff was possessed of land, whereon the defendant was trespassing and doing damage, whereupon the plaintiff requested the defendant to leave the said land, which the defendant refused to do; and thereupon the plaintiff gently laid his hands on the defendant, in order to remove him, doing no more than was necessary for that purpose, which is the alleged first assault by the plaintiff.*

48. *That the occupiers of the said land did not, for twenty years before this suit, enjoy, as of right, and without interruption, the alleged way.*

#### NEW ASSIGNMENT.

49. *The plaintiff, as to the                      and                      pleas, says that he sues, not for the trespasses therein admitted, but for trespasses committed by the defendant in excess of the alleged rights, and also in other parts of the said land, and on other occasions, and for other purposes than those referred to in the said pleas.*

If the plaintiff replies, and new assigns, the new assignment may be as follows:

50. *And the plaintiff, as to the                      and                      pleas*

*pleas, further says that he sues, not only for the trespasses in those pleas admitted, but also for, &c.*

If the plaintiff replies, and new assigns to some of the pleas, and new assigns only to the other, the form may be as follows:

*51. And the plaintiff, as to the                      and                      pleas, further says, that he sues, not only for the trespasses in the                      pleas (the pleas not replied to) admitted, but also for the trespasses in the                      pleas (the pleas replied to) admitted, and also for, &c.*

## C A P. XXXVIII.

*An act to establish a volunteer militia force in this island.*

Preamble.

**W**HEREAS it is expedient to empower the governor to raise a volunteer militia force in this island: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Title of act.

*First*—This act may be cited as “THE VOLUNTEER MILITIA ACT, 1865.”

### FORMATION OF COMPANIES.

Services of persons desiring to form volunteer companies to be accepted.

*Second*—It shall be lawful for the governor to accept the services of persons, desiring to be formed into a volunteer militia company or companies, who shall offer their services to her majesty, through the custos of the parish in which the said company or companies is or are to be formed and established.

Services of former volunteers to be continued, &c.

*Third*—It shall be lawful for the governor, if he should think fit, to continue the services of all volunteer companies whose services have been accepted before the passing of this act; and the services of every such company shall be deemed to be continued by his excellency, unless and until he shall think fit to exercise the power of disbanding or discontinuing the services of the same; the provisions of this act shall apply to every company as if its services were accepted under this act, without prejudice to any thing already done in relation to, or by any such company.

Volunteer officers to fill up vacancies under certain restrictions.

*Fourth*—A majority of the commissioned officers of each volunteer



volunteer company shall, from time to time, receive and admit volunteers as non-commissioned officers and privates, to supply any vacancy that may occur therein; no person who has been dismissed from any volunteer company shall be permitted to join any other company, except with the previous sanction of the governor; and no person who has left a volunteer company shall be permitted to join any other company, except on the production of a certificate from his former commanding officer to the effect that he knows no reason why such person should not re-enlist, and that he had faithfully discharged his duties when formerly in the service.

## OFFICERS.

*Fifth*—Any person holding a commission in the militia in any parish of this island, and any other person in any such parish who shall be desirous of tendering his services as an officer of the volunteers of such parish, shall forward to the custos a notification of such his desire to serve, together with an affidavit, sworn to before any justice of the peace, stating that he is in receipt of an income or salary of not less than one hundred and twenty pounds *per annum*; the custos shall, on receipt of such notification and affidavit, forward the same, without delay, to the governor, who is hereby empowered to make all appointments of commissioned officers in the volunteer force of this island.

Qualification for officers of volunteers.

*Sixth*—No person who has been, or may be dismissed from any regiment of militia, or from any company or corps of volunteers shall be eligible to be appointed an officer of any volunteer company.

Who are ineligible.

*Seventh*—Any officer in the foot or horse militia respectively may, if he shall be willing, be appointed as an officer in any volunteer company as of a rank or grade lower than that held by him in such militia; but he shall nevertheless retain his rank and grade in such militia, so as to entitle him to promotion therein.

As to preservation of the rank of militia officers.

*Eighth*—Every person, after his first appointment as an officer of any company, may be promoted to a higher rank by the governor; but every first appointment as an officer, in consequence of any vacancy, must be made in the manner prescribed for original appointments from among the persons whose applications may from time to time be submitted to the governor through the custos.

As to promotion by the governor.

Commissions to be free of stamp duty.

*Ninth*—Every officer of volunteers, now in existence, who may not have already received a commission, and every officer hereafter appointed shall receive a commission from the governor, which commission shall be free of stamp duty and of every other charge; the issue of all commissions shall be notified in the Gazette, and a list of the several officers of volunteers, with the dates of their appointments, shall also be published once in every six months in the same Gazette.

#### NON-COMMISSIONED OFFICERS.

Commanding officer to appoint non-commissioned officers.

*Tenth*—The commanding officer of every volunteer company shall appoint the non-commissioned officers to the same, and fill up vacancies as they may occur; and all such non-commissioned officers shall hold their rank during the pleasure of the commanding officer.

#### QUALIFICATION.

Qualification for non-commissioned officers and privates.

*Eleventh*—Every person not disabled by bodily infirmity, and possessing an income of forty pounds *per annum*, may tender his services as a non-commissioned officer or private of any volunteer artillery or rifle company; and any person possessed of the qualification aforesaid, and having a horse of the value of fifteen pounds or upwards, may tender his services as a non-commissioned officer or private of any cavalry or mounted rifle company.

#### HONORARY MEMBERS.

Honorary members not included in muster rolls, &c.

*Twelfth*—It shall be lawful for a majority of the officers of a company to admit persons as honorary members, but who shall not be included in the muster roll of the company to which they may be attached, nor shall they be subject to military discipline, nor liable to be assembled with the volunteers for actual military duties; they shall have authority to wear the uniform of the company to which they may be attached, and to contribute to the funds of the same, the officers of the company shall determine on the rank to be held by any honorary member elected by them, subject to the approval of the governor.

#### SECRETARY.

Commanding officer of company to appoint a secretary.

*Thirteenth*—The commanding officer of any company is hereby invested with the power of appointing any officer, non-commissioned officer, or honorary member of his company to act as secretary to the same.

#### ENLISTMENT.



## ENLISTMENT.

*Fourteenth*—Every volunteer (except honorary members), shall take the following oath :

Oath on enlistment to be entered in a book, and to be evidence.

*I, A. B. do sincerely promise and swear, that I will be faithful and bear true allegiance to her majesty queen Victoria, and that I will faithfully serve in the volunteer militia of Jamaica, for the defence of the said island, and the maintenance of order and the public peace therein, during my enrollment in such volunteer militia.*

Which oath may be administered to any volunteer by any justice of the peace of this island : On the oath being administered to a volunteer, he shall sign a formula of such oath, which shall have previously been entered in a book to be kept by the commanding officer for that purpose, and the signature of such volunteer shall be attested by the justice of the peace administering the oath, and such entry and signature shall *ipso facto* be conclusive evidence, without further proof of the fact of the party who has taken the oath, and signed the same, being a volunteer.

## PERIOD OF ENLISTMENT.

*Fifteenth*—No commissioned officer shall be allowed to resign without first obtaining the sanction of the governor, upon sufficient reasons being given for such resignation, and upon his paying all moneys due or becoming due by him to his corps or company, and such further amount as may be laid down in the rules to be promulgated by the governor, on the recommendation of the board of officers regulating the resignation of officers ; any non-commissioned officer or private may be permitted, by a majority of the officers of his company, to retire therefrom, when not on actual service, after giving one month's notice to his commanding officer of his desire to do so, and delivering up in good order, fair wear and tear only excepted, all arms, clothing, and appointments, being public property, or property of his company issued to him, and paying all moneys due or becoming due by him under this act, or any regulations promulgated by the governor, or any rules of the company ; and thereupon his name shall be struck out of the muster roll of the company by the commanding officer.

Under what circumstances non-commissioned officers may resign.

*Sixteenth*—If any non-commissioned officer or private gives the notice above prescribed, and a majority of the officers of his company should refuse to grant him leave to resign from the same, and he considers himself aggrieved thereby, he may appeal

In case of refusal he may appeal, and under what circumstances his name may be struck off the roll.

peal to two justices of the peace of the parish to which the company belongs, they not being volunteers, who shall hear and determine the appeal; and may, for the purposes thereof, summon and examine any person as a witness on oath; and if it appears to such justices that the arms, clothing, and appointments issued to the said non-commissioned officer or private, being public property, or property of his company or corps, have been delivered up in good order (fair wear and tear only excepted), or that he has paid sufficient compensation for any damage that such articles may have sustained, and that all moneys due, or becoming due by him under the provisions of this act, or the rules and regulations to be issued by the governor, or the rules of his company, have been paid, such justices may order the commanding officer forthwith to strike such non-commissioned officer or private out of the muster roll of the company, and their determination shall be binding on all parties.

#### DISBANDING OF COMPANIES.

Governor may disband companies, form others, and dispense with services of officers.

*Seventeenth*—Any volunteer company may be disbanded by authority of the governor, who may thereupon authorize the formation of another company in lieu thereof, and agreeably to the provisions of this act; it shall be lawful for the governor, upon good and sufficient cause, proved to his satisfaction, to dispense with the services of any officer, non-commissioned officer, or other member of any volunteer company, which dismissal shall be notified in the Gazette, within ten days thereafter.

#### BAND OR DRUM CORPS.

Volunteer company may form band or drum corps, &c.

*Eighteenth*—Every volunteer company is hereby empowered to form either a band or drum corps, either separately or conjointly with another company, or other companies, and every member of such band or drum corps, shall be held and taken to be a member of the company, exclusive of the men forming the rank and file, and shall be subject to the same discipline, and shall have and enjoy all the rights and privileges conferred on volunteers by this or any other act of this island.

who are to be governed by regulations to be approved by the governor.

*Nineteenth*—The band or drum corps of a company, or of conjoint companies, shall be governed in such manner as a majority of the officers of such company or companies may from time to time determine upon, but such regulations shall not have effect until they have been approved by the governor,



ner, and lodged with the clerk of the peace of the parish in which such band or drum corps may be established, whereupon the same shall have the force and effect of law.

#### UNIFORMS—ARMS.

*Twentieth*—The uniform, arms, equipment, accoutrements, ammunition, and other stores of the officers and men of the several volunteer companies, shall be such as the governor shall from time to time direct; the arms, equipment, accoutrements, ammunition, and stores required by the volunteers, shall be furnished to the non-commissioned officers and privates at the expense of the island, but shall always remain island property.

Uniform, arms, &c. to be such as governor may direct, but to be property of the island.

*Twenty-first*—The governor shall cause the non-commissioned officers and privates to be respectively furnished with uniforms at the expense of the public, or pay to each such volunteer an amount annually, in commutation of such clothing, subject to any rule or regulation that may be hereafter promulgated by the governor, on the recommendation of the board of officers.

Uniforms for non-commissioned officers and privates to be furnished at the public expense, or commutation paid therefor.

*Twenty-second*—Every officer commanding any volunteer company, who shall, on his resignation of office, or dismissal, or within seven days thereafter, neglect or refuse to hand over to the officer, or non-commissioned officer next in command, or to any person appointed by the governor to receive the same, all arms, accoutrements, ammunition, and other articles, which may have been issued or entrusted to his care, shall be liable to a fine or penalty, not exceeding five pounds, nor less than two pounds, in addition to the value of the article or articles so withheld.

Penalty on officer resigning and not delivering up arms, &c. entrusted to his care.

*Twenty-third*—Every member of any volunteer company who shall fail to deliver up to the officer in command of such company, all arms, accoutrements, ammunition, bugles, or any other article or articles entrusted to his care, within seven days after having received intimation of his dismissal from the company in which he shall have been enrolled or appointed to, or after his resignation as aforesaid, shall, on conviction, be liable to pay a fine or penalty not exceeding five pounds, nor less than twenty shillings, in addition to the value of the article or articles so withheld by him.

Penalty on member of company dismissed for not delivering articles committed to his care.

*Twenty-fourth*—Any volunteer who shall embezzle, pawn, sell,

Penalty on volunteer embezzling, negligent.

ly wasting, or injuring  
arms, ammunition,  
&c.

sell, lose by carelessness, or designedly or negligently waste, spoil, injure, or use for any other purposes than those of her majesty the queen, any arms, ammunition, accoutrements, or other articles with which any corps or company, or any part thereof, has been or shall hereafter be furnished at the public expense, shall be liable to a fine not exceeding two pounds, as a court of enquiry shall direct, in addition to the value of the article or articles so destroyed or unlawfully disposed of; and any person other than a volunteer who shall be guilty of any of the acts in this section contained, shall be liable to a penalty, not exceeding five pounds, in addition to the value of the article or articles as aforesaid, to be recovered as hereinafter directed, or to imprisonment in any gaol for any period not exceeding twenty days.

Penalty on persons  
buying, or assisting to  
sell for volunteer,  
stores or ammunition  
issued for volunteer  
company.

*Twenty-fifth*—If any person knowingly buys or takes in exchange from any volunteer, or any person acting on his behalf, or solicits, or entices any volunteer to sell, or knowingly assists, or acts for any volunteer in selling, or has in his possession or keeping, without satisfactorily accounting for the same, any arms, ammunition, clothing, or appointments, being public property, or the property of any volunteer corps or company, or any public stores or ammunition issued for the use of any such corps or company, he shall be liable to a penalty not exceeding five pounds, or imprisonment in any gaol for any period not exceeding twenty days.

Penalty on persons  
not delivering up  
arms, &c. of deceased  
volunteer.

*Twenty-sixth*—In case of the death of any volunteer or other person who may have received any arms, ammunition, accoutrements, or other articles belonging to any volunteer company, it shall be the duty of the person into whose possession such arms or other articles aforesaid shall come, to deliver them over forthwith to the officer commanding the company to which such arms or other article shall belong, under a penalty not exceeding five pounds, in addition to the value of the articles so withheld; and, in default of payment of such fine and value as aforesaid, such person shall be imprisoned in any gaol for a period not exceeding ten days, as the justices shall award.

Arms, &c. imported  
free from duty.

*Twenty-seventh*—All arms, accoutrements, ammunition, uniforms, and musical instruments imported for the use of any militia or volunteer company, shall be free of all import duties and town dues.



## DRILLING EXERCISE.

*Twenty-eighth*—Each company of volunteers shall be drilled once at least every month, on a day, and at a place to be fixed by the commanding officer of such company, but the governor, or the commanding officer of a company, may order extraordinary drills or parades, whenever or wherever he may think proper; any member absent at any drill, or parade, and not having sent a good and sufficient excuse, in writing, or previously obtained leave of absence from the commanding officer, shall be fined in such sum or sums as may be fixed or laid down, from time to time, in the regulations to be issued by the governor, on the recommendation of the board of officers.

Volunteers to be drilled at places fixed for that purpose, as governor or commanding officer may order.

*Twenty-ninth*—If any volunteer shall, while under arms, or on march, or on any other duty, or while engaged in any military exercise or drill, or while wearing the clothing or accoutrements of his company, and going to, or returning from any place of exercise, or assembly of his company, disobey any lawful order of any officer or non-commissioned officer, under whose command he then is, or shall be guilty of misconduct, breach of discipline, or insubordination, the officer in command of the corps or company, or any superior officer in command, may order the offender, if an officer, under arrest, and if a non-commissioned officer, or private, into the custody of any drill instructor, or any volunteer belonging to the same, or any other corps or company, but so that the offender is not kept longer under such arrest or custody than during the time the corps or company, or such portion thereof as aforesaid, remain under arms, or on march, or duty, or assembled, or continues engaged in any military exercise or drill as aforesaid; but such arrest or custody shall not prevent the offender from being subsequently tried by a court of enquiry for any such offence.

Volunteer guilty of insubordination or breach of discipline, may be arrested, and subsequently tried.

## ADMINISTRATIVE CORPS.

*Thirtieth*—Two or more volunteer companies in the same parish, or in adjoining parishes, may be administratively united on the joint application of the commanding officer of each such company; notwithstanding the formation of any such administrative corps the several companies formed into the same shall be severally deemed a separate company for all the purposes of this act; it shall be lawful for the governor to direct the muster (not more than once in six months) of any administrative corps for drill and exercise.

Two or more volunteer corps of the same or adjoining parishes may be joined for drill.

## DRILL



## DRILL INSTRUCTORS.

On actual service command may be placed in military officer.

*Thirty-first*—Whenever any volunteers, company, or corps, are on actual service, or are undergoing inspection, or are doing any other military duty, the governor may place them and their officers under the command of such officer or officers of her majesty's army, senior in rank to every officer of the volunteer force who may be present, as his excellency may determine upon.

Governor to appoint drill instructors, and pay them, &c.

*Thirty-second*—The governor shall appoint as many drill instructors from her majesty's army as may be necessary for instructing the volunteers, and such drill instructors shall be paid out of the money voted for militia and volunteer services at such rates as may be considered reasonable for their services; they shall be subject to the orders of the officers commanding the company or corps to which they may from time to time be attached, but they shall be amenable only to the military authorities for any misconduct or breach of military discipline committed by them; nothing herein contained shall prevent the governor from appointing any efficient volunteer as a drill instructor, on his being declared competent for the duty by the board of officers to be appointed under this act, and such volunteer shall be paid a like sum for his services as may be provided for drill instructors selected from the army: *Provided*, That no volunteer company which shall be in existence for three years shall be entitled to a drill instructor at the public expense.

Proviso.

## INSPECTIONS—REVIEWS.

Annual inspection by an officer of the army.

*Thirty-third*—An annual inspection of every volunteer corps shall be held by a competent officer of her majesty's army, to be from time to time appointed for that purpose by the governor, and such officer shall be paid for such service such sum as the governor, in executive committee, may award: *Provided*, That the whole cost of inspection does not exceed the sum of two hundred and thirty pounds *per annum*, to be paid out of the money voted for militia and volunteer purposes.

Proviso as to cost.

## MILITARY SECRETARY.

Officer appointed to inspect volunteers to discharge duties of military secretary.

*Thirty-fourth*—The officer appointed to inspect the volunteers and militia shall discharge the duties of military secretary to the governor in volunteer and militia matters, and all such orders, directions, and notifications conveyed or signed by such military secretary to the militia or volunteers, shall be deemed and taken to all intents and purposes to proceed from the governor; and such military secretary shall be assisted

Salary of an assistant.



sisted in his duties by an assistant, who shall receive the sum of seventy-five pounds *per annum*.

*Thirty-fifth*—The military secretary shall be entitled to hold the brevet rank of colonel in the militia and volunteer militia, and he shall be relieved of all stamp duties and other charges whatsoever on his commission as such.

Rank of military secretary.

#### STAFF APPOINTMENTS.

*Thirty-sixth*—It shall be lawful for the governor to appoint any volunteer officer or officers to act on his staff for volunteer purposes, but no officer so appointed shall be entitled to any remuneration whatever for his services.

Staff officer to be appointed from the volunteers.

#### BOARD OF OFFICERS.

*Thirty-seventh*—The governor shall annually appoint a board of officers to consist of the governor's military secretary and ten volunteer officers, and from time to time to fill up any vacancy that may occur; the assistant to the military secretary shall act as secretary to such board, three of such board shall be a quorum for the transaction of any business.

Board of officers to be annually appointed.

*Thirty-eighth*—The board of officers shall, from time to time, make rules and regulations respecting any thing in this act directed or authorized to be done, or provided for by regulations; and also such regulations as may seem fit (not being inconsistent with any of the provisions of this act), respecting,

Nature of the rules and regulations they are to make.

The strength of each company, as well as the distribution of its officers, non-commissioned officers, and privates.

The appointment or promotion of officers of administrative corps, or volunteer companies.

The efficiency of volunteers, and the granting of certificates of such efficiency.

The assembling and proceedings of courts of enquiry.

And the full execution of this act, and the general government and discipline of the volunteer force.

And all such rules and regulations, when approved of by the governor, in privy council, and published in the "Gazette," shall have the force and effect of law, and shall be quoted as such in any court of enquiry, or in any court of law or equity in this island; the board may, from time to time, alter or re-

which, when approved, are to be published, and have force of law.

They may be altered,

Distribution of funds.

peal any such rules and regulations, subject to the approval and promulgation by the governor as aforesaid; all funds already voted, or which may hereafter be voted for volunteer militia purposes, shall be distributed by the governor, in executive committee, on the recommendation of such board of officers.

#### ACTUAL SERVICE.

Duties upon which volunteers may be ordered.

*Thirty-ninth*—The governor is hereby empowered to order the volunteers, or any portion thereof, as to him may seem fit, to any part of the island, to aid in the defence of the said island, the maintenance of order, and the public peace therein, the protection of property, or the upholding of the law; it shall be lawful for the custos, or, in his absence, the senior magistrate of any parish in which any of the aforesaid emergencies may arise, to call out the volunteers of the said parish; all requisitions for the service of the volunteers must be made in writing, and signed by the authority making the same.

Absence from, or refusal to do duty deemed desertion.

*Fortieth*—Whenever a volunteer corps or company, or any part thereof, shall be called out as aforesaid, every member thereof shall be bound to assemble, as he may be directed by his commanding officer, and to proceed to the place at which his presence is required; and, from the time the corps or company is so called out, it shall be deemed to be on actual service, and any officer, non-commissioned officer, private, or other party attached to the same, not incapacitated by infirmity for military service (which shall be established by the certificate of a medical practitioner, or any two justices of the peace), who may refuse or neglect to assemble, or march, or to discharge such duty as may be required of him, shall be deemed a deserter, and be tried as soon as is convenient thereafter by a court of enquiry or court martial.

Pay of commissioned officers,

*Forty-first*—Every commissioned officer shall, while on actual service, be entitled to the same pay and allowances as are accorded to officers of the same rank in the regular army.

and of non-commissioned officers and privates.

*Forty-two*—[*Forty-second*]—Every non commissioned officer shall, while on actual service, be entitled to seven shillings and six pence, and every private to five shillings *per* day for rations; and each member of a cavalry or mounted corps shall, in addition, be entitled to two shillings *per* day for the forage of his horse, such pay and allowances to be paid out of the amount voted for militia and volunteer purposes.

*Forty-third*



*Forty-third*—When the militia of any parish shall be called out in case of war, invasion, insurrection, or riot, or imminent danger, the volunteers of such parish shall be deemed to be included in the order, and they shall be allowed the same amount for rations and forage as if they were specially ordered out by the governor, custos, or other magistrate.

Volunteer included in order calling out militia in case of invasion, &c.

*Forty-fourth*—After a volunteer corps or company shall have been called out for actual service, the corps shall be deemed released therefrom only by an order in writing, signed by the governor, the custos, or, in his absence, by the senior magistrate of the parish in which they may be serving; and each volunteer shall receive the allowance for rations and forage aforesaid, up to the time he may be released from duty; before a volunteer shall be released from actual duty he shall be returned to the parish to which his company belongs.

who shall be released therefrom only by an order of the governor or custos.

*Forty-fifth*—When the volunteers are on actual military service, for the protection of the island against invasion, they shall be regulated by, and be subjected to all the provisions of the militia laws, and the rules and articles of war that are now, or may hereafter be in force; but in case of any other emergency they shall be governed and regulated by the provisions of this act, and by such rules and regulations as may from time to time be promulgated, with the sanction of the governor in privy council.

In case of invasion they are to be regulated by the same laws as the militia.

#### IMPRESSMENTS.

*Forty-sixth*—Any volunteer carrying a despatch, or engaged in any other service, shall have authority to impress any horse or mule, but it shall be his duty to report such impressment to the commanding officer of the post, or other authority to whom he is proceeding, who shall return the horse or mule so soon as is convenient to the owner, on the conclusion of the service for which the same was impressed.

Impressment of horses or mules authorized.

#### COURTS OF ENQUIRY.

*Forty-seventh*—The governor may at any time assemble a court of enquiry, composed of militia and volunteer officers, or partly of officers of her majesty's army, and partly of volunteer officers, to enquire into any matter relative to a volunteer company or companies of any parish, and to record the facts and circumstances ascertained on such enquiry, and to report on the same for the information and assistance of the governor.

Governor may assemble courts of enquiry for volunteer purposes.



and also into complaints against commissioned officers, and to nominate officers.

*Forty-eighth*—The governor shall, on receipt of a complaint against any commissioned officer for misconduct, insubordination, or breach of discipline, assemble a court of enquiry to investigate the charge, and report thereon; which court shall consist of any five officers of volunteers, selected and nominated for that purpose by the governor.

Commanding officer to summon courts to enquire into misconduct of non-commissioned officers and privates.

*Forty-ninth*—On a charge of misconduct, insubordination, or breach of discipline being preferred against any non-commissioned officer or private, the commanding officer of the company to which the accused may belong shall summon the members of the company to meet and ballot for a court of enquiry to investigate the charge, which court shall consist, for the trial of a non-commissioned officer, of two officers and three non-commissioned officers of the same, or of any other company or companies of the parish; and, for the trial of a private, of one officer, two non-commissioned officers, and two privates of the same, or any other company or companies of the parish.

How proceedings are to be conducted.

*Fiftieth*—The members of a court of enquiry, convened for the trial of any volunteer, shall, before proceeding with the investigation, be sworn faithfully to discharge their duties; any such court shall have power to summon before them the party accused, and also any person as a witness, whose name shall have been previously forwarded to the secretary of the company, and to examine all witnesses upon oath: Any volunteer who may, on being summoned, neglect or refuse to attend and give evidence before any court of enquiry, either in his own or any other company, shall (on proof of the service of such summons), be fined in a sum not exceeding three pounds; and any other person who may be summoned as aforesaid, and who may neglect or refuse to attend and give evidence, shall be fined in a sum not exceeding two pounds, such fines to be imposed, on proof of such summons, by the president of the court, in his discretion: If the accused shall absent himself without forwarding to the president of the court such an explanation for his absence as may be considered satisfactory by a majority of the members of the court, the complaint shall, on proof of the service of the summons upon the accused, be investigated in his absence, and the decision acted upon.

Fine for non-attendance.

Complaints may, under certain circumstances, be investigated in absence of accused.

Court of enquiry may fine officer, or recommend his dismissal,

*Fifty-first*—Any court of enquiry shall have power to impose a fine, in their discretion, on any volunteer officer found guilty by them on a charge preferred against him in any sum not exceeding ten pounds, or to recommend his dismissal, or to impose a fine, and recommend his dismissal.

*Fifty-second*



*Fifty-second*—Any such court, on finding a non-commissioned officer or private guilty of a charge preferred against him, may impose a fine not exceeding five pounds, or recommend his dismissal from the company, or impose a fine, and recommend his dismissal; but, in case of a non-commissioned officer, the court may, in lieu of dismissal, recommend his reduction to the ranks, either with or without a fine.

and likewise non-commissioned officer or private, &c.

Reduction to the ranks.

*Fifty-third*—In case the charge against any volunteer be for "desertion," the court may sentence him, in addition to any other sentence, to imprisonment in the common gaol for a period not exceeding twenty days, which sentence the president of the court shall put into execution by issuing a warrant of commitment under his hand, directed to the collector of petty debts of the parish, or to any of his lawful deputies: *Provided*, That such sentence shall have been confirmed by the governor as hereinafter directed.

Proceedings in case of desertion.

*Provido*.

*Fifty-fourth*—On a charge being preferred against any officer, non-commissioned officer, or private, the commanding officer of the company to which the accused shall be attached, shall immediately suspend him from his duties as a volunteer, and he shall remain under such suspension until his case shall have been adjudicated or otherwise disposed of: In the case of a commanding officer the governor, on receiving a complaint against him, shall immediately suspend him from his duties, and he shall remain under such suspension until his case shall have been adjudicated, or otherwise disposed of.

On a charge made against officer, non-commissioned officer, or private, he shall be suspended until case adjudicated.

Governor to do the like in the case of a commanding officer.

*Fifty-fifth*—If any volunteer shall make a groundless, frivolous, or vexatious complaint against any other volunteer so as to cause him to be prosecuted before any court of enquiry, the party so making such complaint shall be liable to a penalty not exceeding three pounds, which fine the court, before whom the case shall be heard, may impose; but the party so fined shall be entitled to an appeal to the governor against such decision: *Provided*, That notice of such appeal be given to the president of the court within two days after such sentence shall be promulgated, and the grounds of the appeal forwarded to such president within seven days thereafter for transmittal to the governor.

Penalty on a person making groundless or frivolous charge.

*Provido* as to appeal.

*Fifty-sixth*—No sentence, made by any court of enquiry for the dismissal of a volunteer from the service, or for the imprisonment of any volunteer for "desertion," shall be carried into execution until the same shall have been confirmed by the

No sentence to be carried into execution till confirmed by governor.



the governor, who is hereby empowered to annul or commute the same.

Appeal to governor  
from decision of court.

Proviso.

*Fifty-seventh*—Nothing herein contained shall prevent any appeal from the decision of a court of enquiry to the governor: *Provided*, That notice of such appeal shall be given by the party sentenced to the president of the court within two days after such decision shall have been arrived at and promulgated: The appellant shall, within seven days thereafter, forward to the president of the court, for transmittal to the governor, the grounds of his appeal.

#### RIFLE RANGES.

License for use of target ground.

*Fifty-eighth*—The government, or any parochial vestry, or other board, society, company, corporation, person, or persons may grant, and from time to time renew, any license for the use, during any term of years, of any lands under their control as a target ground for volunteers; and any volunteer, firing on the same with the sanction of his commanding officer, shall be held to be in the performance of a lawful duty.

Pathways across target grounds may be stopped up.

*Fifty-ninth*—Where a foot path crosses or runs inconveniently or dangerously near to any lands purchased, or otherwise acquired for a rifle range, such foot path may, with the consent of the board of highways and bridges of the parish in which the same is situate, be stopped up or diverted at the cost of the public.

Officers, &c. not liable to any suit for making use of place for drill muster.

Proviso.

*Sixtieth*—No officer or member of any volunteer company shall be liable to any suit, civil or criminal, for or in respect of his appointing or making use of any place for drill or muster: *Provided*, The same shall not be in any cultivated ground or guinea grass piece.

#### PRIVILEGES—EXEMPTIONS.

Volunteers free from process while on service.

*Sixty-first*—Every volunteer shall be free from arrest on all mense or civil process for twelve hours before and during any parade, muster, drill, target practice, or any other service which he may be required to discharge under this or any other act of the legislature of this island, or by order of the governor, or the officer commanding his company, and for twelve hours thereafter.

and exempt from militia duty under certain circumstances, &c.

*Sixty-second*—Every volunteer, except honorary members, shall be exempt from liability to serve personally, or to provide a substitute in the militia of this island, but a non-commissioned



missioned officer or private, not being possessed of a certificate of efficiency, shall cease to have the privilege of such exemption on his being discharged, or on his resigning from a volunteer company, unless he quits such company on account of changing his place of residence, in which case he shall again be liable to perform militia duty, unless he enrolls himself in a volunteer company in the parish, to which he may transfer his residence, within two months of his ceasing his connexion with the company to which he was previously attached; no person who has served for two years as a volunteer officer, or who has received a certificate of efficiency (and who has not been dismissed the service), shall be liable to be enrolled as a non-commissioned officer or private in the militia; the certificate of the commanding officer of a volunteer company, that the person named therein is a volunteer, enrolled in his company, or the certificate of efficiency in the case of a party who shall be exempt from militia duty, except during martial law, or other emergency, or the commission of an ex-officer of volunteer shall be conclusive evidence thereof, and shall be sufficient to secure his exemption from militia duty for the period specified by this act.

*Sixty-third*—Every volunteer who shall have obtained a certificate of efficiency shall, on production of such certificate to the collector of dues of his parish, be relieved of the payment of any amount of taxes to the extent of forty shillings; no registration tax shall be paid on any horse kept by any officer or member of a cavalry company, or of a mounted rifle company for volunteer purposes, on his producing to the collector of dues of his parish an affidavit, sworn to before a justice of the peace, to that effect.

Volunteers relieved of taxes on certain conditions.

#### FINANCIAL RULES AND REGULATIONS.

*Sixty-fourth*—Two-thirds of the members of any volunteer company, who may be present at a meeting convened for that purpose by the commanding officer, after ten days' notice shall have been given, are hereby empowered to make and frame rules and regulations for the management of the property, finances, and civil affairs of the company; and, on such rules and regulations being approved of by the governor, the same shall have the force and effect of law.

Two-thirds of members of volunteer company to frame rules for management of same.

*Sixty-fifth*—Within fourteen days after such rules and regulations shall have been approved of by the governor, the same shall be lodged with the clerk of the peace of the parish to which the volunteer company is attached, and kept among the public records of his office.

which are to be lodged with clerk of peace after governor's approval.

*Sixty-sixth*



Rules may, in like manner, be amended.

*Sixty-sixth*—Two-thirds of the members of any volunteer company may, at any time after ten days' notice shall have been given as aforesaid, alter, amend, or repeal any rule or regulation, subject as aforesaid to the approval of the governor; and, in case of approval, such amendment shall be lodged with the clerk of the peace, as above provided.

#### MISCELLANEOUS.

Returns to be furnished to governor by inspecting officer.

*Sixty-seventh*—The governor may require any inspecting officer, or commanding officer of an administrative corps or company, to make and furnish to him, from time to time, such returns or reports of the strength and efficiency of the corps or company, or on any other subject connected with the volunteers, as his excellency may deem requisite.

Penalty on commanding officer for giving false certificate.

*Sixty-eighth*—Any commanding officer of a volunteer company, or administrative corps, who shall knowingly give any false certificate under this act shall, besides being dismissed from his appointment, be liable to a penalty not exceeding twenty pounds, one moiety whereof to be paid to the informer, and the other moiety to be appropriated to the use of the company or administrative corps to which any such officer may have been attached.

Penalty for obstructing or assaulting volunteer whilst on duty.

*Sixty-ninth*—Any person who shall obstruct or assault any volunteer whilst in the execution of his duty shall, on conviction before any two or more justices of the peace, be fined in any sum not exceeding ten pounds; and, in default of payment, be imprisoned in any prison for any term not exceeding thirty days, nor less than two days.

Mode of recovering subscriptions, fines, and forfeitures.

*Seventieth*—All subscriptions, fines, penalties, and forfeitures imposed by any court of enquiry under this act, or under any rules and regulations made pursuant to this act, shall be recovered at the instance of the officer commanding the company in which the same shall arise, under the provisions of any act of this island relating to the recovery of petty debts; but, in case any volunteer shall be imprisoned in consequence of the non-payment of any such subscription, fine, penalty, or forfeiture, or the absence of goods and chattels whereon to levy, he may be released before the expiration of the term of the imprisonment prescribed, in respect to the non-payment of debt by any such act or acts, by order of the governor, or his commanding officer.

Jurisdiction of justices in enforcing recovery of penalties.

*Seventy-first*—All fines and penalties hereby imposed (with-  
out



out the intervention of a court of enquiry), shall be recovered in a summary manner before any two or more justices of the peace of the parish or precinct where the offence shall be committed; and, if not forthwith paid, the same shall be levied by warrant of distress on the offender's goods, or in default of sufficient distress, the offender shall be imprisoned in any common gaol (unless where otherwise directed by this act), for any space of time not exceeding thirty days.

*Seventy-second*—All subscriptions, penalties, fines, and forfeitures imposed, subscribed, and recovered under this act, or under any rules and regulations made pursuant to this act, shall be held to be the property of the company to which the person paying the same is or was attached, and shall be appropriated to the use of the said company by a board consisting of such officers and non-commissioned officers as may be annually appointed by the members of the company.

Appropriation of subscriptions, fines, and forfeitures.

*Seventy-third*—All moneys subscribed by or for the use of any volunteer company, and all effects belonging to any such company, or lawfully used by it, not being the property of any individual officer or volunteer, and all lands and other property acquired by the company, shall vest in the commanding officer of the company for the time being, and his successors in office, with power to him and his successors to sue, to make contracts and conveyances, and to do all other lawful thing relating thereto; and any civil or criminal proceedings taken, by virtue of this act, by the commanding officer of any company, shall not be discontinued or abated by reason of his death, resignation, or removal from office, but may be carried on and completed by his successor in office; in case of the disbanding of a company all property previously belonging thereto shall become vested in the governor for the benefit of this island.

Property belonging to volunteer companies to vest in commanding officer thereof, &c.

*Seventy-fourth*—All proceedings under this act, or under any rules and regulations made pursuant to this act, shall be exempt from all stamp duties; and no proceedings shall be quashed for want of form.

Proceedings exempt from stamp duty.

*Seventy-fifth*—The term "governor," shall mean "governor" or "captain-general," or person administering the government for the time being; the term "person" or "party," wherever used in this act, shall mean any individual; and the term "persons" any set of individuals, or a body of persons, corporate or unincorporate; the term "company," shall mean a volunteer troop of cavalry, or mounted rifles, or artillery, or

Interpretation.

company of rifles; the term "corps," shall mean volunteer companies combined for administrative purposes, or otherwise acting together, or any individual company; the term "volunteer," shall mean any member of a volunteer company or corps.

Governor and privy council to embody and call out militia for drill.

*Seventy-sixth*—The governor shall have power, with the advice and consent of the privy council, to direct the embodiment of the militia, or any part thereof, and to call out the same for drill and exercise at such times and places and in such manner as he may appoint.

This act to come into operation on passing thereof, and to repeal all volunteer acts, but not to affect acts done under them.

*Seventy-seventh*—This act shall come into operation from the passing thereof; and all previous acts relating to the volunteer militia of this island shall be, and they are hereby severally repealed, without prejudice to any act done, or interest accrued, or liability, or penalty incurred under, or to any proceeding for the punishment of any offence committed against any provision of either of such acts.

Notwithstanding repeal of acts officers and men to continue as such, subject to provisions of this act.

*Seventy-eighth*—Notwithstanding the repeal of the said acts, all officers already appointed thereunder shall continue to be officers as if such acts had not been repealed, but subject to the provisions of this act, and any other act or acts to be hereafter passed; and all non-commissioned officers and privates, and members of band or drum corps already enrolled, shall continue to serve as volunteers, subject to the provisions of this act.

## C A P. XXXIX.

### *An act to provide for the construction of a slip dock in the harbour of Kingston.*

Preamble.

**W**HEREAS it is desirable to construct a slip dock in the harbour of Kingston: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Governor, executive committee, and five commissioners, three a quorum,

*First*—It shall be lawful for the governor, and he is hereby authorized and empowered, with the executive committee, and five commissioners to be appointed by him, any three of whom, exclusive of the governor, at any meeting summoned by the governor, may be a quorum to perform the several acts, matters, and things hereinafter mentioned:

to procure lands for building slip dock,

1st.—To set apart, and appropriate to the purposes of this



this act, so much and such portions of the lands belonging to the public, and attached to the lunatic asylum, in the parish of Kingston, as shall be sufficient for the erection of a slip dock, and the necessary buildings and workshops connected therewith; or, if it shall be necessary, or deemed advisable, to purchase as much land as shall be requisite for such purpose, and to wall in and enclose the lands so set apart or purchased and appropriated.

workshops, &c. in Kingston.

2d.—To cause to be erected upon the lands so set apart or purchased, as soon as conveniently may be, a proper and sufficient slip dock, and machinery for hauling up and receiving steam and other vessels of at least three thousand tons registered tonnage, in a safe and proper manner, of such plan, construction, and materials, and with such buildings, and conveniences attached thereto, as shall be fitting and necessary for the accommodation of tradesmen and others engaged in the examination and repairs of any vessel which may at any time be placed on the slip for examination and repair if necessary, and for the safe custody of all stores and materials belonging to such vessels, and required for repairing the same.

to erect slip dock, and machinery for hauling up vessels.

3d.—To invite, by advertisements in two newspapers of general circulation, published in London, and in two newspapers and the Jamaica Gazette, by authority, in this island, and in two newspapers of general circulation in New-York, in America, tenders for the construction of the slip dock and buildings aforesaid, according to detailed and complete working specifications and plans, to be carefully prepared and submitted for inspection, and subject also to the direction and supervision of any engineer to be employed as hereinafter provided, and to accept the most eligible tender or tenders at a sum or sums not exceeding thirty-five thousand pounds in the whole, inclusive of the prices of convict labour, and all materials that can be supplied from the aftermentioned lands at Rock-Fort, and by the general penitentiary, which labour and materials shall be used in such works at rates and prices to be fixed by the respective contractor and the inspector of prisons; or, in case of disagreement, by any third person, to be appointed by them; or if, after seven days' notice, either of them shall refuse or neglect to join in any such appointment, then such third person shall be appointed by the other of them, and the decision of such third person, appointed in either of such ways, shall be final.

to invite tenders, by public advertisement, for construction of same, according to plans, &c.

4th.—To contract with and take security from the person

to take security for completion of works, &c.



son or persons whose tender or tenders shall be so accepted for the whole or any part or parts of such works, such security being by joint and several bond from the respective contractor, with two or more approved sureties, in such sum as shall be fixed by the governor, executive committee, and commissioners as aforesaid, for securing the faithful and satisfactory completion of the said works, or the respective part or parts thereof, to be contracted for, subject to such supervision as by this act provided; and from time to time to require and take new or additional security in like manner as to the governor, executive committee, and commissioners as aforesaid, may seem proper in the premises.

to procure duplicate,  
working specifications,  
and plans of works,

5th.—To procure, in duplicate, from messieurs Bell and Miller, engineer's of Glasgow, in the kingdom of Scotland, carefully prepared, detailed, and complete working specifications and plans of the works to be performed under this act, and to cause the same to be submitted to the persons desirous of tendering for such works, or any part thereof, and to pay for such specifications and plans a sum not exceeding one thousand pounds.

to employ and remun-  
erate engineers,

6th.—To employ such engineers as may be advisable for the direction and supervision of the works aforesaid, at the usual and reasonable rates of remuneration, and charges and allowances in such matters.

and to employ convicts  
in building of the  
works, quarrying  
stones, &c.

7th.—To authorize the employment of any number of convicts, confined in the general penitentiary, in the erection of the buildings and works aforesaid, the quarrying, taking away, and using any quantity of stones from the lands at Rock-Fort belonging to the public, and the applying of such quantities of dressed stones, bricks, and lime from the general penitentiary as shall be necessary for the performance of such works; and a correct account of the quantity and value of such labor and materials shall be kept by the inspector of prisons, and which shall be paid by the respective contractor, or charged against him at the rates or prices to be fixed as by this act is provided.

Account of quantity  
and value of convict  
labour, and of mate-  
rials, &c. to be kept.

Governor, with advice  
of executive commit-  
tee, empowered—

*Second*.—That the governor, with the advice of the executive committee, shall have power,

to borrow money on  
bond, debenture, or  
otherwise, for purposes  
of this act, at 6 per  
cent. payable here or  
in Great-Britain.

1.—To borrow and raise, either in this island or Great-Britain, by bond, debenture, or otherwise, such sums of money as may be requisite, not exceeding in the whole the sum of forty thousand pounds, for the purposes of this act, as the same shall from time to time be required, and to ap-  
point



point one or more agents in Great-Britain, from time to time, with power to revoke any such appointment, for the purpose of raising monies in Great-Britain; and all bonds and debentures issued and made payable in this island shall be signed by at least two members of the executive committee; and all bonds and debentures issued and made payable in Great-Britain shall be signed by such agent, or at least two of such agents, if more than one; and all bonds or debentures shall be in such form, and for such amounts as the governor, or such agent or agents shall determine, and shall be transferable and negotiable, and shall bear interest at a yearly rate of not exceeding six pounds for every one hundred pounds, which interest shall, by every such bond or debenture, be made payable half-yearly at the island treasury, if payable in this island; and, if payable in Great-Britain, at some place in London, to be therein named.

2.—To direct the receiver-general, whenever the amount at the credit of the "Slip Dock Account," after the completion of such slip dock, and buildings connected therewith, shall be more than will be required to pay one year's accruing interest (to be computed from the date of such direction) on the bonds or debentures issued under this act, or remaining unpaid at the time, to apply the excess, or such portion thereof as shall be considered proper, to the purchase of bonds or debentures issued as aforesaid; and all bonds or debentures, so purchased or redeemed as hereinafter provided, shall be forthwith cancelled and destroyed.

and direct receiver-general, after completion of slip dock, to purchase bonds or debentures whenever amount at credit of slip dock account shall be more than required to pay interest, &c.

*Third*—Upon the completion of the slip dock, and buildings connected therewith, the governor, executive committee, and commissioners aforesaid, may advertize the same to be leased for a term of years not exceeding seven years, and accept such offer as shall appear most advantageous to the public; but in every lease of the slip dock, and buildings, it shall be one of the covenants that the lessee shall keep such slip dock, and the machinery and buildings connected therewith, in good and proper repair; and such lessee shall give good and sufficient security, to be approved by the governor, with the advice aforesaid, for the rent of such slip dock, and for keeping, and delivering up the same in good order at the end of the term.

Slip dock may be leased out for a term of years, and security given for its being kept in good order.

*Fourth*—Should no offer be made for leasing the slip dock, or should any offer made not be such as it would be advisable or for the public interest to accept, it shall be lawful for the governor, executive committee, and commissioners, or any five of them

Should no offer be made to lease, governor, &c. may work same.



them, of whom the governor shall be one, to make such arrangements as they may deem proper for working the slip dock, and to employ such officers and servants as may be necessary for that purpose, at reasonable salaries and wages, until other provision or direction shall be made in the meeting of the legislature next after the completion of the slip dock.

Receiver-general required—

*Fifth*—The receiver-general is hereby required to do and perform the acts, matters, and things following :

to keep two accounts, in what manner,

1st.—To keep two accounts, one to be entitled "The Slip Dock Debenture Account," in which he shall credit all monies received and collected under this act by the sale and disposal of bonds or debentures, and debit all sums paid for interest on the debentures issued under this act, and for the purchase or redemption of such bonds or debentures ; and an account, entitled "The Slip Dock Account," in which he shall credit all moneys received for rent of the slip dock and premises, or the use and occupation or working of the slip and buildings, and debit all monies paid for the construction and erection of the slip and buildings, and for the purchase of land, if necessary, and otherwise for the purposes of this act.

and to pay the half-yearly interest out of any other money, in case there be none to credit of "Slip Dock Debenture Account," &c. which is to be refunded by monies raised in annual estimates, &c.

2d.—From time to time, out of any money at the credit of such "Slip Dock Debenture Account," and should there not be any money at the credit of that account, or the money at its credit not be sufficient, then out of any other public monies, which shall be refunded by monies to be raised on the annual estimates for such purpose, to pay the half-yearly interest, as the same shall fall due, on all bonds or debentures payable in this island, and remit to the agent or agents in Great-Britain, at a convenient time before the same shall fall due, such monies as shall be required for payment of the half-yearly interest to fall due and be payable in Great-Britain.

Time when bonds and debentures are to be redeemed.

*Sixth*—All bonds and debentures, which shall be issued under the authority of this act, shall be redeemable at such time and times, and in such proportions as the governor, with the advice of his executive committee, shall determine, not longer than twenty-five years after the issue of the same.

Lost or defaced bond or debenture may be renewed.

*Seventh*—In case any bond or debenture shall be lost, destroyed, or defaced, the governor, with the advice of the executive committee, if the same shall be payable in this island, or the agent, or if there shall be more than one agent, any two agents, if the same shall be payable in Great-Britain, may re-  
new



new such bond or debenture by substituting therefor a copy in all respects of the lost, destroyed, or defaced bond or debenture, except the signatures to be attached thereto, upon the delivery up of the same to be cancelled, and indemnity against any loss, damage, or expense to be incurred in making or resisting payment of the original bond or debenture being given to the satisfaction of the governor, if the bonds or debentures are payable in this island, and to the agent, or if there be more than one, any two agents, if payable in Great-Britain, in case of the production of any bond or debenture alleged to have been lost or mislaid.

*Eighth*—The executive committee shall lay before the assembly annually, within twenty days after the assembling of the legislature, an account, in detail, made up to the end of the financial year, shewing all monies which have been received and paid by the receiver-general on account of the slip dock, and also a statement, in detail, of the progress of the works up to the first day of the session.

Detailed account of monies received and paid to be annually laid before the legislature.

*Ninth*—It shall be lawful for the governor to direct, if the slip dock be not leased, and to make it a condition in every lease for the same, that ships of war belonging to her majesty shall at all times have the preference in the use of such slip dock, upon her majesty's government contributing such proportion of the cost of erecting the same, including lands and buildings, as the governor, with the advice of the executive committee, shall agree upon with the lords commissioners of her majesty's admiralty.

Her majesty's vessels to have preference in the use of slip dock on certain conditions.

*Tenth*—Notwithstanding any thing in this act contained the governor, with the advice of the executive committee, is hereby empowered to enter into such engagements or arrangements as may be agreed upon with the lords commissioners of the admiralty for the purpose of entering into, carrying out, and obtaining the satisfactory completion of a contract or contracts for the due construction of the slip dock works and buildings by this act intended to be provided for, and for regulating the use, and providing for the proper supervision and maintenance, of such slip dock, works, and buildings: *Provided*, That the amount for which this island shall be liable in the whole under this act shall not exceed the sum of forty thousand pounds, to be raised and provided for under the powers of this act: *Provided also*, That copies of all documents relating to any such engagements or arrangements between the governor, in executive committee, and the lords commissioners of the admiralty, shall be laid before the legislative

Governor, &c. to make arrangements with admiralty lords for carrying out completion of contracts for construction of docks, works, &c.

Provido as to island liability.

Provido as to laying copies of documents before the legislature.

tive



tive council and the assembly at as early a period as may be practicable.

Governor, &c. to take proceedings to acquire lands in case of impediment.

*Eleventh*—In case of neglect, or refusal, or incapacity, or any impediment on the part of any person interested in any land, if necessary to be purchased, to treat or agree for the sale thereof, or any right of easement therein or thereout, it shall be lawful for the governor, with the advice of the executive committee, to take the like proceedings under this act for acquiring such land, or right, or easement, as are provided to be taken under the "*Prisons' Consolidation Act*," twentieth Victoria, chapter eleven, for the purposes of that act, from section six to section nine, both inclusive; which, so far as the same may be applicable, shall be incorporated with, and form part of this act; the governor, with the advice of the executive committee, being taken as the authorities or functionaries to proceed under this act, instead of the executive committee.

Money to be paid to receiver-general, subject to control of supreme court.

*Twelfth*—If any question shall arise as to the title of any person having interest in any land which, or any right or easement in which, shall be taken for the purposes of this act, it shall be lawful for the governor, with the advice of the executive committee, to cause the money payable in respect of such land, or right or easement therein, to be placed in the books of the receiver-general, to the credit of the persons interested in such land (describing them so far as can be), subject to the control and disposition of the supreme court of this island.

who may pay same to party entitled thereto.

*Thirteenth*—Upon the application, by any person making claim to the money so credited, or any portion thereof, or any interest in the land, or right or easement therein, in respect whereof the same shall have been so credited, the supreme court shall, in a summary way, and after such notice as to the court shall seem fit, and to such person or persons as the court shall direct, order distribution of such monies, according to the respective estates, titles, or interests of the persons making claim to such money or land, or any interest therein, or any part thereof, and may make such other order in the premises as to such court shall seem fit.

Persons who are deemed entitled to pay.

*Fourteenth*—On any question respecting the title of the land in respect whereof, or of any right or easement therein or thereout, such monies shall have been so credited, the persons respectively in possession of such land, as being the owners thereof, or in receipt of the rents of such land, or in the use of any such right or easement, as being entitled thereto at the time of such land, or right, or easement being taken, shall be deemed

to



to have been lawfully entitled to such land, or right, easement, or interest, until the contrary be shewn to the satisfaction of the said court; and unless the contrary be shewn as aforesaid, the parties so in possession, or receipt, or user, and all parties claiming under them, or consistently with their possession, shall be deemed entitled to such money, and the same shall be paid and applied accordingly.

*Fifteenth*—All land, or any right or easement of or in the same, taken under this act, shall vest in the executive committee for the time being for the purposes of this act, under and pursuant to the provisions of the act of the twenty-second Victoria, chapter twenty-three, enabling such executive committee to have, hold, and maintain the title to any property or estate for the benefit of the public.

Land to vest in executive committee for the time being.

*Sixteenth*—Out of any monies applicable under this act the governor shall, by his warrant, with the advice of the executive committee, direct payment of any sums of money from time to time required for or on account of the works authorized by this act.

Governor to direct payment of monies required under this act.

*Seventeenth*—No meeting shall be held under this act except on two days' notice from the secretary to the board, to be left with or sent through the post to the governor, each member of the executive committee, and each commissioner.

Meeting not to be held without notice thereof.

*Eighteenth*—All materials, implements, and things imported for any of the purposes of this act, shall be admitted free of duty, on the direction of the governor, with the advice of the executive committee.

Materials required to be imported duty free.

*Nineteenth*—The credit of this island shall stand pledged for the repayment of any loan to be raised under this act, and the annual interest thereof.

Credit of island pledged for repayment of loan and interest.

*Twentieth*—Every vessel resorting to the port of Kingston for the sole purpose of repairs, or being hauled up on the said slip dock, is hereby declared exempt from tonnage dues; and, in case any such vessel shall thereafter enter or clear outwards with cargo, or, having brought cargo, shall enter inwards the same, or any part thereof, such vessel shall be charged with tonnage and other dues under the act of the twenty-third Victoria, chapter twelve, and the act of the forty-sixth George the third, chapter twenty-eight, on her whole tonnage, or under the act of the twenty-fourth Victoria, chapter three, on the measurement

Terms on which vessels may be relieved of payment of tonnage dues.

of tonnage, which shall be occupied by such outward cargo, or from which cargo shall be actually landed under and subject to the respective provisions of such acts, or either of them, as the respective case may require.

## C A P. XL.

### *An act to authorize the erection of gas works in the city of Kingston.*

Preamble.

**W**HEREAS the lighting of the city of Kingston with gas would be of great public convenience, and tend considerably to the improvement of the city: *And whereas* William George Astwood is desirous of engaging in the erection of gas works in the said city of Kingston, for the purpose of manufacturing and supplying gas for lighting the streets, and public and private buildings of the said city, in manner hereinafter mentioned: *May it therefore please your majesty, on the humble petition of the said William George Astwood, that it may be enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,*

Concession to William George Astwood, and others forming company to erect gas works in Kingston.

*First*—That it shall be lawful for the said William George Astwood, and such persons as shall be associated with him, and [to] form a company, as hereinafter mentioned, their successors and assigns, and they are hereby empowered to erect, in the city and parish of Kingston, buildings and erections for the manufacture of gas, and to furnish and supply such quantities of gas as may be required in the said city of Kingston for lighting the streets, and public and private buildings, and for other purposes; and, for such purpose, shall have power to lay conductors for conducting gas through the several streets, and into such public and private buildings of the city and parish of Kingston, and shall also have power and authority to purchase and hold lands, tenements, and hereditaments to them, their successors and assigns, for the use of the said undertaking, without incurring any of the penalties or forfeitures of the statute of mortmain; and also shall have power to sell and dispose of so much and such part or parts of the said lands, tenements, and hereditaments as shall not be required for the purposes of the said undertaking: *Provided*, That it shall not be lawful to erect buildings or erections for the manufacture of gas within the city of Kingston, eastward of West street.

Proviso.

They must first obtain the statutable powers of a body corporate in England or Jamaica.

*Second*—That before they shall be entitled to exercise any of the powers of this act, the said William George Astwood, and the persons to be associated with him, shall procure themselves to be incorporated,



incorporated, either in England or in this island, as a joint stock company, either with or without limited liability, and obtain the statutable powers given to an incorporated company, authorized to act in England or in this island, founded upon, and recognizing this act; and, in the event of such company being incorporated in England, a copy, duly proved to be an examined copy, or certified to be a true copy by the officer to whose custody the original is intrusted, of the act, charter, or letters patent, or certificate of incorporation, and the memorandum of association, and articles of association of such company, shall be recorded in the office of the secretary of this island; and such examined or certified copies shall, after being recorded, remain in the office of, and be kept by the said secretary; and the record, or any copy of the record, certified by the said secretary, shall be received as evidence.

*Third*—That the said company, so to be incorporated as aforesaid, shall have a capital of at least twenty thousand pounds, of which at the least ten thousand pounds, one half, shall be subscribed for before any of the powers given by this act shall be put in force.

What capital to be subscribed and paid up.

*Fourth*—That it shall be lawful for the said company, their agents and workmen, to erect, in the city and parish of Kingston (subject to such restriction in the locality of the buildings for the manufacture of gas, as hereinbefore mentioned) the requisite buildings, and therein, and in connection therewith to place, fix, and lay down all proper and necessary apparatus, pipes, conduits, and service pipes, and other works for the making and distribution of gas, and to amend, repair, alter, or renew, take up, and replace such buildings, apparatus, and the several parts thereof, pipes, conduits, service pipes, and works, and to erect, place, fix, and lay down such other and additional buildings, apparatus, pipes, conduits, service pipes, and works as may from time to time be considered necessary and essential, and to set up, furnish, and supply, and from time to time alter, repair, or renew the lamps, lamp posts, or pillars, meters, burners, and fittings for the lighting and supplying the streets and premises in the city and parish of Kingston with gas, and to uphold, maintain, support, conduct, and carry on the same, and the manufacture and distribution of gas, according to the provisions of this act.

Company to erect buildings, fix apparatus, lay down pipes, and supply materials for lighting Kingston with gas.

*Fifth*—The said company may open and break up the soil and pavement of the several streets, and any sewers, drains, or tunnels within, or under such streets, in the city and parish of Kingston, and lay down, and place within the same limits, pipes, conduits, service pipes, and other works, and also make any sewers that may be necessary for carrying off the washings and waste liquids which

Company may break and open streets, &c. for purposes of act, making compensation for any damage,

may arise in the making or supplying of the gas; and from time to time alter the position of, and repair, relay, and maintain all such pipes, conduits, service pipes, and other works, and such sewers; and, for the purposes aforesaid, may remove, and use all earth and materials in and under such streets, and may, in such streets, erect any pillars, lamps, and other works, and do all other acts which they shall from time to time deem necessary for supplying gas to the inhabitants of the said city and parish of Kingston, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

but not to lay pipes, &c. in any private buildings or lands without consent.

*Sixth—Provided always,* That nothing herein shall authorize or empower the said company to lay down or place any pipe or other works into, through, or against any building, or on any land not dedicated to public use, without consent of the owners and occupiers thereof, except that the said company may, at any time, enter upon and lay, or place any pipe in the place of an existing pipe in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this act, and may repair or alter any pipe so laid down.

Before doing any act 3 clear days' notice to be given to persons having control of streets,

*Seventh—*That except in cases of emergency, arising from defects in any of the pipes or other works, and then as soon as possible after the beginning of the work, or the necessity for the same shall have arisen, before the said company shall proceed to open or break up any street, sewer, drain, or tunnel, he or they shall give to the person or persons under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice, in writing, of their intention to open or break up the same, at least three clear days before beginning such work; and every such street, sewer, drain, or tunnel shall be opened or broken up according to such plan and such regulations as shall be approved of by such persons, or their officers; or, in case of disagreement, as shall be determined by two justices; and such justices may, on the application of such persons, or their officer having the control or management of any sewer or drain, require the said company to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage, during the execution of any works, which may interfere with such sewer or drain: *Provided,* That if such persons, or their officers, fail to attend at the time fixed for such opening or breaking up of any such street, sewer, drain, or tunnel, after such notice as aforesaid, or shall not propose any plan for breaking up or opening the same, the said company may proceed and perform the work specified in such notice.

and acts to be done with their approval, or sanction of two justices,

On non-attendance or non-proposal company may do the acts required,

*Eighth*



*Eighth*—When the said company open or break up the road or pavement of any street, or any sewer, drain, or tunnel, they shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground, and reinstate the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times, whilst any such road or pavement shall be opened or broken up, cause to be fenced and guarded, and shall cause a light, sufficient for the warning of passengers, to be set up and maintained at night against or near such road or pavement, when the same shall be open or broken up.

Company to reinstate the street,

and, during the time the street is opened, fence, and at night light, same.

*Ninth*—If the said company shall open or break up any street, sewer, drain, or tunnel without giving such notice as aforesaid, or in a manner different from what shall be approved or determined as aforesaid, or without making such temporary or other works, when so required; or if they shall make any delay in completing such work, or reinstating and making good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, the said company shall forfeit to the persons having the control or management of such street, sewer, drain, or tunnel, a sum not exceeding five pounds for every such offence, and an additional sum of three pounds for every day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

Penalty on company neglecting above provisions.

*Tenth*—If any delay or omission as aforesaid take place, the persons having the control or management of the street, sewer, drain, or tunnel, in respect of which such delay or nuisance shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such persons by the said company, and such expense may be recovered as damages, or any penalty, or forfeiture under this act, may be recovered.

In case of delay persons having control of streets may do the work at expense of company.

*Eleventh*—The said company shall, and they are hereby required to commence the works for the carrying out of this undertaking on or before the first day of March, one thousand eight hundred and sixty-six, and to have the building for the manufacture, and the gas-works connected therewith, complete and sufficient, and the main pipes, conduits, and works for the distribution of gas to the streets and premises laid down and erected, and ready for use in the portion of the city circumscribed by and including North street, in the north, West street in the west, Little Port-Royal street, Port-Royal street, and Harbour street, in the south, and Wildman street and Highholborn street in the east, on or before

Time of commencement and completion of undertaking,

and, on failure in either case, powers of company to cease.

Failure to supply gas for six months, forfeiture of powers of company.

Company may make contracts for lighting or supplying premises with gas.

Contracts not necessary to be under seal.

How contracts to be made.

fore the first day of March, one thousand eight hundred and sixty-nine; and, in the event of failure in either case, this act, and all advantages to accrue therefrom to the said company, or the promoters, shall cease and determine without remedy on their part, unless by the sanction or consent of the legislature of this island, first had and obtained for relief as to time or otherwise.

*Twelfth*—If from any cause the said company shall fail to deliver to the city of Kingston full and sufficient supply of gas for the space of six months continuously, all the powers and privileges granted to the said company by this act shall cease and determine.

*Thirteenth*—The said company may from time to time enter into contract with any person, body politic or corporate, or local authority, for lighting or supplying with gas any public or private building, or for lighting the streets, or any of them with gas, and for supplying such person, or body politic or corporate, or local authority, with pipes, burners, meters, lamps, lamp posts, and other apparatus; and for the repair and cleaning, lighting, and extinguishing thereof in such manner and on such terms and conditions as the parties agree.

*Fourteenth—Provided*, That notwithstanding its being required by any statute or otherwise that the contracts of any incorporated company, entitled to the benefits of this act, should be under seal, every contract of such company entered into in accordance with this act shall, without seal, be binding on them, if the contract is signed by at least two of their directors, their secretary, or manager by authority, if any two of the directors of the direction shall be in this island, otherwise by the attorney or manager of the said company in this island.

*Fifteenth—Provided*, That no contract for any of these purposes shall contain any term or condition for giving, in case of difference, the sole arbitrament therein to the said company, or any officer or person who is or has been employed by them, or who may have a pecuniary interest in such company, or for requiring any notice by a consumer discontinuing his supply of gas or meter, which shall make him liable to pay more than one month's rate or meter rent after the time of the service of such notice, or which shall entitle the said company, except for breach of any of the provisions of this act, to discontinue any supply of gas by less than one month's notice, in writing, to the consumer, unless the rate due for the gas shall be in arrear, in which case three days' notice, in writing, to the consumer, shall be sufficient.

*Sixteenth*



*Sixteenth*—The said company may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings for the gas, for such remuneration, in money, as shall be agreed upon between the said company and the consumer, and such remuneration shall be recoverable in the same manner as the rate due to the said company for gas; and such meters and fittings shall not be subject to distress, or the landlord's claim for rent, nor to be taken in execution under any process at law or in equity, or any fiat in insolvency against the person in whose possession the same may be.

Company may let for hire meters which are not subject to landlord's rent, or execution, or fiat.

*Seventeenth*—The said company shall well and effectually light all public lamps in all streets which they are required by the parties authorized to make such contracts to light, and shall, according to the terms of their contract, supply to such parties so much gas as they require for their public lamps: *Provided*, That the said company shall not be compelled to light any street with lamps at a greater distance from each other than seventy-five yards.

Company to light streets according to contract.

*Provido.*

*Eighteenth*—The said company shall, unless prevented by necessary repairs or unavoidable accident, at all times keep all their branch and service pipes fully charged with gas, and the stop-cocks so turned as not to prevent the branch or service pipes from being at all times filled with gas.

Branch and service pipes to be at all times fully charged.

*Nineteenth*—The gas to be supplied by the said company shall be manufactured upon the most improved and scientific principles, so that the quantity of the common gas and cannel gas, respectively to be supplied by them, shall be of the best and most efficient illuminating power, and of the greatest purity.

Gas to be of best and most efficient illuminating power and purity.

*Twentieth*—If at any time complaints as to the quantity or quality of the gas, supplied by the said company, be made to the governor of this island by memorial, in writing, from the corporation of Kingston, or not less than twenty inhabitant householders, paying rates for and supplied with gas by the said company, it shall be lawful for the governor, at any time within one month after the receipt of such complaint, to appoint a competent person as inspector to inquire into and concerning the grounds of such complaint, and to report to the governor thereon.

Complaints of failure in such respect may be made to governor and by whom,

who may appoint inspector.

*Twenty-first*—The inspector, so appointed as aforesaid, shall give notice of his appointment, in writing, to the said company, and, at any time after twenty-four hours from the time of his giving such notice as aforesaid, he shall have power to inspect and examine the gas works of the said company, and to enquire into and concerning the grounds of such complaint, and the said company.

Inspector to give notice, and after to inspect.

pany and their officers shall afford all reasonable facilities for such inspection, examination, and enquiry.

Penalty for obstructing inspector.

*Twenty-second*—Any person obstructing such inspector in the due prosecution of such inspection, examination, or enquiry, shall forfeit and pay any sum not exceeding ten pounds.

On report that complaint well founded, governor to give notice to company.

*Twenty-third*—If, after receipt of such report, it shall appear to the governor that the said complaint is well founded, the governor shall give notice thereof, in writing, to the said company.

Company to remove cause of complaint.

*Twenty-fourth*—After the receipt of such notice the said company shall, and they are hereby required, within a reasonable time to remove the grounds of such complaint.

Company to obey orders of governor.

*Twenty-fifth*—The said gas company shall in all things obey the orders of the governor, made in pursuance of this act; and, in default of their so doing, they shall be liable to a penalty not exceeding fifty pounds for each offence.

Costs of enquiry to be borne by such parties as governor may direct.

*Twenty-sixth*—All the costs, charges, and expenses of and incident to any enquiry and decision of the governor under this act shall, from time to time, be borne and paid by such parties as the governor shall direct; and such decision may, upon an *ex parte* application, be made a rule of any of her majesty's superior courts of law in this island.

Chief engineer or other officer of company may enter premises to inspect.

*Twenty-seventh*—The chief engineer, or other officer duly appointed for the purpose by the said company, may, at all reasonable times, enter any premises lighted with gas supplied by the said company, in order to inspect the meters, fittings, and works for regulating the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied; and if any person hinder such officer as aforesaid from entering and making such inspection as aforesaid at any time, he shall, for every such offence, forfeit to the said company a sum not exceeding five pounds.

On neglect to pay rates company may stop gas, and recover rates by distress.

*Twenty-eighth*—If any person, supplied with gas by virtue of this act, neglect to pay the rate due for the same to the said company, the said company may stop the gas from entering the premises of such person, by cutting off the service pipe, or by such means as the said company shall think fit, and recover the rate due from such person, as well as the expenses of laying down the same, if unpaid, by distress, in like manner, and with the like power to follow goods, fraudulently removed, as landlords may for rent in arrear.

On stopping gas company may enter to remove property.

*Twenty-ninth*—In all cases in which the said company are authorized



thorized to cut off and take away the supply of gas from any premises under the provisions of this act, the said company, their agents or workmen, after giving twenty-four hours' notice to the occupier, may enter into any such premises, between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meter, fittings, or other works, the property of the said company.

*Thirtieth*—In case any consumer leave the premises where gas was supplied to him without paying to the said company the rate or meter rent due from him, the said company shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant agreed with the defaulting consumer to pay the arrears, but the said company shall, notwithstanding any such arrears, in the absence of collusion between the outgoing and incoming tenant, supply gas to the incoming tenant, as required by this act, on being required by him so to do.

Incoming tenant not to be prejudiced by non-payment by outgoing tenant where no collusion.

*Thirty-first*—Where the amount of rates in arrear, together with such charges, costs, and expenses as are mentioned and authorized to be charged in and by this act, shall not exceed the sum of ten pounds, whether the said company shall or shall not be able to find any goods, chattels, or effects whereon to levy, the same may, at the option of the said company, be sued for and recovered, with all costs and charges, against the party in arrear, by and in the name of the said company, in like manner as proceedings may now be had and taken for the recovery of debts, not exceeding the sum of ten pounds; and all other sums of money due, and to be due as aforesaid on any other account whatsoever to the said company, whether on bond, bills, or open account, or otherwise, not exceeding ten pounds, and whether the same shall be an original sum or balance, shall be recoverable under the petty debt act.

Company may recover rates, &c. not exceeding £10 by petty debt process.

*Thirty-second*—Every person who shall lay, or cause to be laid any pipe, or communication with any pipe belonging to the said company, without their consent, or shall fraudulently injure any such meter as aforesaid, or who, in case the gas supplied by the said company is not ascertained by meter, shall use any burner other than such as has been provided or approved by the said company, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or who shall otherwise improperly use or burn such gas, or shall supply any other person with any part of the gas supplied to him by the said company, shall forfeit to the said company the sum of five pounds for every such offence, and also the sum of twenty shillings for every day such pipe shall so remain, or such works or burner shall be so used, or such excess be so committed

Certain fraudulent or improper acts against company punishable.

*Penalty.*



mitted or continued, or such supply furnished, and the said company may take off the gas from the premises of the person so offending, notwithstanding any contract which may have been previously entered into.

Certain wilful acts  
against company pu-  
nishable.

*Thirty third*—Every person who shall wilfully remove, destroy, or damage any pipe, pillar, post, plug, lamp, or other work of the said company for supplying gas, or who shall wilfully extinguish any of the public lamps or lights, or waste, or improperly use any of the gas supplied by the said company, shall, for each such offence, forfeit to the said company any sum not exceeding five pounds, in addition to the amount of the damage done.

Foetalty.

Careless or accidental  
damage to be paid for.

*Thirty-fourth*—Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the said company, or under their control, shall pay such sum of money, by way of satisfaction to the said company, for the damage done, not exceeding five pounds, as any two justices shall think reasonable.

Company on gas es-  
caping to take mea-  
sures to prevent it,

*Thirty-fifth*—Whenever any gas shall escape from any pipe laid down, or set up by or belonging to the said company, they shall, immediately after receiving notice thereof, in writing, take effectual measures for preventing such gas from escaping; and, in case they shall not, within forty eight hours after service of such notice, by leaving at the office of the said company, effectually prevent the gas from escaping, unless delayed from unavoidable necessity, they shall, for every such offence, forfeit the sum of five pounds for each day during which the gas shall be suffered to escape after the expiration of forty-eight hours from the service of such notice, or expiration of such necessity.

and punishable for de-  
lay unless unavoid-  
able.

Act not to abridge or  
interfere with powers  
given to water com-  
pany.

*Thirty-sixth*—Nothing in this act contained shall extend, or be construed to extend to authorize or empower the said company to interfere with or abridge any of the rights or privileges of any company established for the supply of water to the inhabitants of the city and parish of Kingston; and the said gas company shall be answerable for any damage, spoil, injury, or mischief which shall be done to any of the pipes, works, or property of such water company, or which shall or may be sustained by such water company by reason or in consequence of any act, matter, or thing to be done or executed by the said gas company, or any of their servants, agents, or workmen.

How gas pipes to be  
laid down.

*Thirty-seventh*—The pipes to be laid by the said gas company, for the conveyance of gas, shall be laid at the greatest practicable distance from the nearest part of any pipe then laid down by, or  
by



by order of any water company for the conveyance of water; and, wherever the width of the carriage way or foot path will allow thereof, shall be laid at the distance of four feet at least from the nearest part of any such water pipe, unless, in cases where it shall be unavoidably necessary to lay the gas pipe across or nearer to any water pipes, in which case the gas pipes, so crossing the said water pipe, shall be at least nine feet in length, so that no joint of any gas pipe shall be nearer to any water pipe than four feet at the least when the width of the street will admit; and every such gas pipe, so crossing the said water pipe, shall, for the whole length thereof, be sufficiently bedded in with good sound clay, or other fit materials of a proper consistence, and well worked and rammed into the trench all round the said gas pipe; and, in laying down any gas pipe, the said company shall use such joints as are, for the time being, of the most improved description for preventing the leakage of gas, and shall in no case join two or more gas pipes when they exceed three inches in diameter together, previous to their being laid down in the trench, but shall lay each pipe as near as may be in its place in the trench, and shall, in such trench, form the jointing with the other pipes to be added thereto with proper and sufficient materials, and shall also, whenever practicable, lay and well and sufficiently bed each joint of the main gas pipes, and also the joints or screws of the branch service gas pipes connecting with the main gas pipes, and also the joints of the service or branch pipes for carrying gas from the main gas pipes to the houses and buildings, and all other joints, inlets, or apertures, or openings, which are, or shall, or may be made in any of the main gas pipes, in such manner, and of such materials as shall, as far as reasonably practicable, prevent leakage.

*Thirty-eighth*—Whenever the water, which shall be supplied by any water company, shall be contaminated or affected in any way whatsoever by the gas of the said gas company, the said gas company shall, within twenty-four hours next after notice thereof, in writing, signed by any one of the directors, or the secretary for the time being of such water company, and left at the office of the said gas company, cause measures to be taken effectually to prevent such gas from contaminating or affecting the water of such water company; and in case the said gas company shall not, within forty-eight hours next after any such notice, left as aforesaid, use all reasonable means to effectually remove the cause of such complaint, and prevent all such contamination whereof notice shall have been given as aforesaid, then, and in every such case, the said gas company shall, on each complaint whereof notice shall have been given as aforesaid, forfeit and pay to the secretary of such water company, for the use of such water company, the sum not exceeding five pounds for each day during which the water, supplied by such

Remedy of water company when water contaminated or affected with gas.



water company, shall remain contaminated or affected by the gas of the said gas company; and any such penalty or forfeiture may be recovered for the use of such water company, in the same manner as any other penalty or forfeiture imposed by this act may be recovered.

*Power to water company to ascertain contamination.*

*and, if contaminated by gas, gas company to pay expense and costs,*

*if not, water company to pay costs and make good damage.*

*Legal and equitable remedies to third parties preserved, notwithstanding relief under this act.*

*Property of company not liable to taxation.*

*Thirty-ninth—Provided,* That upon any such complaint as aforesaid, it shall be lawful for the said water company to dig in and about, and search and examine the mains, pipes, conduits, and apparatus of the said gas company adjacent to the pipes of such water company, for the purpose of ascertaining whether or not such contamination shall proceed therefrom, giving twenty-four hours' previous notice, in writing, signed by one of the directors, or the secretary of the said water company, and left at the office of the said gas company, of such their intention; and if it shall be found, on such examination, that there has been any escape of gas whereby such contamination has been produced, then the cost and expense of, and incident to such digging, and examination, and search, and of the repairs of the streets, shall be paid by the said gas company, which costs and expenses may, if necessary, be ascertained and fixed by any two justices, and recovered as any penalty or forfeiture under this act; and, if it shall be found that such contamination has not arisen from any escape of gas from any of the mains, pipes, or conduits of the said gas company, then and in such case the said water company shall bear and pay all costs and expenses of, and incident to such digging, and examination, and search, and shall also make good to the said gas company any damage which may be occasioned to their mains, pipes, conduits, or apparatus by such search, and also any injury or damage done to the streets, the amount to be ascertained and determined by any two justices, to be recovered in the same manner as any penalty or forfeiture under this act.

*Fortieth—Provided,* That no special remedy or provision for giving relief to any person, given by this act, shall prejudice or diminish the general jurisdiction of any of her majesty's supreme courts of law or equity over or with respect to the acts or defaults in respect of which the special remedies or provisions are given, nor shall any thing in this act contained prevent the said gas company from being liable to an indictment for nuisance, or any other legal proceedings to which he or they may be liable, in consequence of making or supplying gas.

*Forty-first—*The buildings, erections, machinery, gas, and other works hereinbefore mentioned, and the said company, in respect to the said buildings, erections, machinery, gas, and other works, shall not be, or be held, or become liable to be rated, charged, or assessed



assessed for the payment of any public or parochial taxes, rates, charges, or other impositions, any law or statute to the contrary notwithstanding.

*Forty-second*—In consideration of the great benefit to be derived to the city of Kingston by the establishment of the said gas works therein, all machinery, coals, materials, goods, matters, and things whatsoever, which shall be imported for the construction, maintenance, or use of the said gas works, to be established under this act, shall be admitted free of import duties or impost whatsoever, and all instruments and documents under this act shall be exempted from stamp duty.

Materials imported for the undertaking not subject to duty.

*Forty-third*—The said company shall have and enjoy the exclusive right and privileges of supplying the said city of Kingston with gas for twenty-one years next hence ensuing; and, for that purpose, shall have the exclusive right and privilege of laying, making, relaying, altering, completing, and maintaining all and every the necessary gas works, conductors, pipes, and works necessary for such purpose: *Provided*, That the said company shall strictly and faithfully comply with, and carry into effect all and every the clauses, sections, provisions, and agreements in this act contained, which are and ought to be performed and fulfilled on the part of the said company.

Monopoly of supply of gas to the company for 21 years in compliance with act.

*Provided*,

*Forty-fourth*—The said company shall have power to make such bye-laws, orders, rules, and regulations for the good government of the said company, their servants, agents, and workmen, and for the superintendence and management of the said undertaking and works, and for the proper and careful use of the gas, by the consumers, and from time to time alter and repeal the said bye-laws, orders, rules, and regulations, or any of them, and to impose such reasonable fines and forfeitures, not exceeding the sum of ten pounds, for any one offence; and all such rules, bye-laws, orders, and regulations, being reduced into writing, and passed under the common seal of the said company, shall be binding upon and observed by all parties, and shall be sufficient, in all courts of law or equity, to justify all persons who shall act under the same, but such bye-laws, orders, rules, and regulations shall not be repugnant to the laws of this island, or the provisions or directions of this act, and shall be so framed as to allow the justice or justices, before whom any penalty imposed thereby is sought to be recovered, to order a part only of such penalty to be paid, if such justice or justices shall think fit; and a copy of such bye-laws shall be kept constantly exhibited in the office of the said company, and open to the inspection of every consumer.

Company may make bye-laws.

*Forty-fifth*

Copy of bye-laws under seal of company evidence.

**Forty-fifth**—The production of a written or printed copy of such bye-laws, under the seal of the company, shall be sufficient evidence thereof in all cases of prosecution under the same.

How penalties to be recovered.

**Forty-sixth**—Every fine, penalty, or forfeiture imposed by this act, or by any bye-laws in pursuance thereof, shall be recovered in a summary manner before any two justices of the peace of the city and parish of Kingston; and if any such fine, penalty, or forfeiture be not forthwith paid, it shall be lawful for such justices to issue a warrant of distress, for recovery of the same, on the goods and chattels of the offender; and, in default of goods and chattels whereon to levy, to imprison the offender in the common gaol or other prison of the city and parish of Kingston for a period not exceeding two months; and such fines, penalties, or forfeitures, when recovered (except otherwise appropriated by this act), shall be paid and accounted for in like manner as other fines and penalties, and shall be paid or remitted to the receiver-general, and carried to the credit of the public of this island.

Neither want of form or irregularity in distress to make party distraining trespasser (*ab initio*.)

**Forty-seventh**—Where any distress shall be made for any sum of money, to be levied by virtue of this act, this [*the*] distress itself shall not be deemed unlawful, nor the party making the same deemed a trespasser on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the party distraining be deemed a trespasser (*ab initio*) on account of any irregularity which shall be afterwards done by the party or parties so distraining, but the person aggrieved by such irregularity shall recover full satisfaction for the special damage in an action upon the case.

Notice to be given before action, and amends may be tendered or money paid into court for anything done or omitted under this act.

**Forty-eighth**—No plaintiff shall recover any action, to be commenced against any person for anything done or omitted to be done in pursuance or under color of this act, unless notice, in writing, shall have been given to the defendant, or left at his last or usual place of abode twenty-one days before such action shall be commenced, of such intended action, signed by the attorney of the plaintiff, specifying the cause of such action; nor shall the plaintiff recover in such action if tender of sufficient amends shall have been made to him or his attorney by or on the behalf of the defendant, before such action brought; and in case no such tender shall have been made, it shall be lawful for the defendant in any such action, by leave of the court, where such action shall depend, any time before issue joined, to pay into court such sum of money as he shall think fit; thereupon such proceedings, orders, and judgment shall be had, made, and given in and by such court, as in other actions where the defendant is allowed to pay money into court.

**Forty-ninth**



*Forty-ninth*—In any action or suit, brought or to be brought or commenced against any person for any thing done, or omitted to be done in pursuance or under color of this act, every such action or suit shall be brought or commenced within six calendar months next after the fact committed; or, in case there shall be a continuation of damages, then within six calendar months next after the doing or committing such damage shall have ceased, and not afterwards, and shall be laid and brought in the parish or county where the matter in dispute, or cause of action shall arise, and not elsewhere; and the defendant in such action or suit shall or may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done or omitted to be done in pursuance and by authority of this act, or under color of this act; and if it shall appear to have been so done, or omitted to be done by virtue or under color of this act, or if any such action or suit shall have been brought before the expiration of twenty-one days next after such notice shall have been given as aforesaid, or after sufficient satisfaction made or tendered as aforesaid, or after the time so limited for bringing the same, or shall be brought in any other parish or county aforesaid, the jury shall find for the defendant; or, if the plaintiff shall become non-suit, or suffer a discontinuation of his action or suit, after the defendant shall have appeared, or if a verdict shall pass against the plaintiff, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall have double costs, and shall have such remedy for the same as any defendant hath for cost of suit in other cases provided by law.

Action to be brought within six months, and in the parish or county where cause arose, &c.

*Fiftieth*—The said company, their successors and assigns, are hereby required to make or tender satisfaction to the owners, occupiers, and persons interested in any lands, grounds, tenements, and hereditaments which shall be wanted for any of the purposes of this act, before they shall in anywise make use of the same; and, in case the parties cannot agree touching the amount of such satisfaction, within the space of thirty days after application shall have been made for that purpose, by or on behalf of the said company, their successors and assigns, to the respective owners and occupiers of, and persons interested as aforesaid, it shall be lawful for any justice of the peace for the parish or district in which the lands, hereditaments, and premises are situate (not being in any way interested in the matter in question), upon application for that purpose made to him by or on behalf of the said company, grounded on affidavit of the facts, eight days' previous notice being given by the said company of such application, by leaving such notice at the dwelling house of such person, or at his usual place of abode, with some tenant or occupier of some of the said lands, hereditaments, and premises intended to be valued, in case

Company to make satisfaction for lands required.

Mode in which lands may be compulsorily acquired by company.



case of the party otherwise be found to be served with such notice, and such justice is hereby authorized and required, upon such application as aforesaid, to issue a warrant under his hand and seal, directed to the provost-marshal-general, or his lawful deputy for the parish or precinct, if not interested in the subject matter, and, if interested, to some other responsible person, to be appointed by the said provost-marshal-general, or his lawful deputy, or the person so especially appointed, to empanel, summons, and return, and the said provost-marshal-general, or his lawful deputy, or other person so appointed by him as aforesaid, is hereby accordingly empowered and required to empanel, summons, and return, at such time and place as shall be therein inserted, fourteen substantial and disinterested persons, qualified to serve as jurors upon the trial of issues at law, none of whom shall be a member of, or servant of the said company, and out of such persons, so to be empanelled, summoned, and returned, a jury of seven men shall be drawn by the said provost-marshal-general, or his lawful deputy, in such manner as juries for trials of issues joined in her majesty's court of record in this island are by law directed to be drawn, to enquire into and ascertain the true value of the lands or grounds to be taken or issued as aforesaid by the said company, for either of the purposes aforesaid, and which inquisition or meeting the said justice shall have power to adjourn from day to day, as occasion shall require; and the said justice is hereby authorized and required, from application made to him by any of the parties interested, to call before him at such inquisition or meeting, or the adjournment thereof, any person who shall be thought proper to be examined touching the premises, and the said jury, upon their oaths, which oaths, and also the oaths to be taken by the persons who shall appear to be examined and to give evidence as aforesaid, the said justice is hereby empowered and required to administer, shall enquire into, and ascertain, and award the sum of money to be paid for the purchase of any land or grounds which may be required for any of the purposes of this act; and, in so doing, the jury shall take all circumstances into consideration, which may tend to shew the value of such lands, or the injury the owner thereof may sustain by the exercise of the powers in this act contained, and the said jury shall give their verdict on such inquisition, under their hands and seals, and shall deliver the same to the said provost-marshal-general, or his lawful deputy for such parish or precinct as aforesaid, and which said verdict, so pronounced and delivered as aforesaid, having been first duly signed by the said justice, who is hereby authorized and required to sign the same, shall be binding and conclusive to all intents and purposes whatsoever upon the said company, their successors and assigns, and all and every person whomsoever claiming any estate, right, title, trust, use, or interest into or out of the said lands, tenements, hereditaments, and premises, or otherwise

wise



wise interested therein, either in possession, reversion, remainder, or expectancy, as well as against infants and issue unborn, lunatics, idiots, *femes covert*s, and persons under any legal incapacity or disability, and all trustees, *cestique* trusts, his heirs, successors, executors, administrators, or assigns, and against all persons whomsoever; and the aforesaid verdict, so to be given and delivered as aforesaid, shall be returned with the warrant aforesaid annexed by the said provost-marshal-general without delay into the office of the clerk of the supreme court of judicature of this island, there to be recorded; and, immediately upon tender or payment, by the said company, their successors and assigns, of the respective sums of money which shall be pronounced as aforesaid by the said jury to be the value of any land or grounds to be taken or made use of as aforesaid, to the respective persons entitled thereto, or their agents, all the estate, right, title, interest, issue, property, claim, and demands whatsoever, both at law and in equity, of the person to whom, or to whose use such money shall be paid of, into, and out of the said lands, hereditaments, and premises, shall become and be absolutely vested in the said company, and their successors and assigns for ever, from all right, and interest, and claim of any person whatsoever; and they shall respectively be deemed in law to be in actual seizen and possession thereof, to all intents and purposes whatsoever, as fully and effectually as if every person having or claiming, or pretending to have or claim any estate or interest in the premises, had conveyed the same by any legal conveyance whatsoever; and such tender or payment shall not only bar all right, title, claim, or demand of the person to whose use such payment shall be made, but also shall extend to, and be deemed and construed to bar the dower of the wife or wives of such person or persons, and all estate tail in possession, reversion, and remainder of the issue or issues of such person, and all persons claiming under them, and shall also bar the right, interest, use, claim, and demand whatsoever of any person or persons whomsoever into or out of such lands or hereditaments, and every part thereof, and the said company, their successors and assigns, shall be quieted in possession thereof, any law, statute, use, matter, or thing whatsoever to the contrary notwithstanding.

*Fifty-first—Provided always,* That the said company shall not be entitled to exercise the summary powers given by this act for takings, lands, tenements, or hereditaments, except for the purpose of a site for the building of the manufactory for gas; and that within such locality as by this act is permitted, and for the purpose of obtaining land for the conducting of their pipes from the manufactory to the streets of the city of Kingston.

Powers not to be exercised otherwise than as here mentioned.

*Fifty-second—Whenever a jury shall be summoned, and a ver-*

In what case the expenses of taking land



as aforesaid are to be paid by company,

and when, by party refusing to contract.

Provost-marshal's fees.

Penalty on provost-marshal, jurors, and witnesses for default.

Persons may contract for sale of land with company.

dict shall be given for money, or for a greater annual rent as a recompense or satisfaction for the absolute sale of any land, hereditaments, or property of any person as a compensation for any damages done or to be done to such lands or other premises than has been previously offered by or on behalf of the said company, to be hereafter formed, and their successors, before the summoning of the jury, or where any verdict shall be found for any damages where the dispute shall be for damages alone, and where compensation shall have been previously offered or tendered in respect thereof by or on behalf of the said company, or where, by reason of any impediment or disability as aforesaid, there shall not be found any person who may be legally capacitated to enter into contract with, and make conveyances, or receive compensation as hereinbefore mentioned, the expenses of summoning such jury, and taking such verdict, shall be defrayed by the said company; but if any verdict shall be given for the same sum that had been previously offered by or on behalf of the said company, or their agents, or for a smaller sum, or in case no damages shall be given by the said jury, where the dispute is for damages only, or, in case of such refusal, the costs and expenses of summoning such jury, and taking such verdict, shall be borne by the party refusing the costs of such expenses, upon being taxed by the clerk of the supreme court, shall be deducted out of the money adjudged; and the payment or tender of the remainder of such sum of money shall be deemed and taken to be a payment or tender of the whole sum of money so adjudged; and the provost-marshal-general, or his lawful deputy, for his duty in summoning either of the aforesaid juries, shall receive the sum of three pounds in full of his fees, to be included in such costs, to be taxed as aforesaid.

*Fifty-third*—If the provost-marshal-general, or his deputy, shall make default in any matter or thing required to be done by this act, every such person shall, for every such offence, forfeit the sum of fifty pounds, to be recovered summarily before two justices of the peace in petty sessions assembled; and if any person, returned upon any inquest under this act, shall in any manner neglect his duty, contrary to the true intent and meaning of this act, or if any person, summoned to give evidence, shall not appear, on being paid or tendered a reasonable sum for his costs and expenses, or, appearing, shall refuse to be sworn, or to give evidence, every person, so neglecting or offending, shall forfeit the sum of ten pounds, to be recovered in a summary manner, as hereinbefore provided, and applied to the use of the said company.

*Fifty-fourth*—It shall be lawful for all persons, bodies politic, corporate, or collegiate, or any other corporation, or any persons labouring under any legal disability, who are or shall be seized and possessed



possessed of, or interested in any lands or hereditaments necessary for the purposes of this act, to contract for and to sell or convey all or any part of such lands and hereditaments, estates and interest, or any part thereof to the said company, and their successors, and all such contracts, agreements, sales, and conveyances as aforesaid, shall be good, valid in law to all intents and purposes, and shall operate to merge all terms of years, and all outstanding interest, by express declaration or by construction of law, in the estate or interest so thereby conveyed, and to bar and destroy all estates tail, and all titles to dower, and all other estates, rights, titles, remainder, reversions, limitations, trusts, and interests whatsoever, any law, statute, usage, or any other matter or thing whatsoever to the contrary notwithstanding.

*Fifty-fifth*—In case any person, to whom any money shall be awarded for the purchase of any lands or hereditaments to be purchased, or taken under or by virtue of the powers of this act, shall refuse to accept the same, or shall refuse, neglect, or be unable to make a good title to the premises for the purposes of this act, or shall be absent from the said island, or cannot be found; or if any person entitled unto, or to convey such lands or hereditaments be not known or discovered, or be absent from the island, it shall be lawful for the said company to order the money, so awarded, to be paid into the office of the receiver-general, to the credit of the party interested, subject to the control and order of the supreme court, which said court is hereby empowered to order the same to be distributed according to the respective estates, titles, or interests of the parties making claim thereto, and to make such other order in the premises as to the said court shall seem proper.

On refusal to accept money, or refusal or inability to make title, or absence, money to be paid receiver-general, subject to order of supreme court.

*Fifty-sixth*—Where any question shall arise touching the title of any person to any money to be paid into the receiver-general's office for the purchase of any lands, tenements, or hereditaments, or for any estate, right, title, or interest in any lands, tenements, or hereditaments, to be purchased, taken, or used in pursuance of this act, the person who shall have been in possession of such lands, tenements, or hereditaments at the time of such purchase, and all persons claiming under such person, shall be deemed to have been lawfully entitled to such lands, tenements, or hereditaments, according to such possession, until the contrary shall be shewn to the satisfaction of the said court, and such money shall be applied and disposed of accordingly, unless it shall be made to appear, to the satisfaction of the said court, that such possession was a wrongful possession, and that some other person was lawfully entitled to such or some part of such lands, tenements, or hereditaments, or to some estate or interest therein.

Person in possession to be deemed *prima facie* lawfully entitled.



Company on completion of undertaking to submit maximum of rates, &c. to governor, who may allow or refer to arbitration for adjustment.

*Fifty-seventh*—That the said company shall, on the completion of the undertaking, submit to the governor of this island a statement, shewing the maximum rate intended to be demanded by the said company from each consumer for the supply of gas for every one thousand cubic feet of gas supplied, and as and for meter rent for the supply of meters; and they shall, at the same time, furnish a statement of the expenditure in the said undertaking in such detail, and with such particulars as the governor shall require, and the governor may call for, and the said company submit, such further evidence as either of them may think necessary, and it shall be lawful for the governor thereupon to approve and allow such maximum rates and meter rent; or the governor may refer the matter to two persons, to be named as arbitrators, one by the governor, and the other by the said company, with the ultimate reference to an umpire, to be named by such arbitrators; and the maximum rate, so fixed and allowed by the governor, or by arbitration as aforesaid, shall be the maximum rate and meter rent to be thereafter demanded by the said company.

Rates, &c. may be amended after 3 years by way of increase or decrease in like manner.

*Fifty-eighth*—That such scale of rates may be amended at any time after the expiration of the first three years, upon its being shewn that the rates allowed were excessive to the consumer, or did not afford a sufficient remuneration to the said company upon a further investigation of the accounts and returns to the said company, with a view to a fair and equitable adjustment of such rates; and, for such purpose, the same course and proceedings shall be adopted as upon the first settlement of the scale, and the amended scale shall thenceforth be the scale to be adopted.

Legislature after 21 years may, on a calculation of profits being above 15 per cent. reduce rates, &c.

*Fifty-ninth*—It shall be lawful for the legislature of this island, from time to time, as may be expedient, from and after the expiration of twenty-one years, to be computed from the first day of January, one thousand eight hundred and sixty-six, in case the profits of the said company shall, for three years previous thereto, have exceeded fifteen *per cent.* on the capital outlay of the said company, to revise the rates and charges for the supply of gas in such manner as shall, in the judgment of the legislature of this island, be calculated to reduce the said net profits as aforesaid to not less than fifteen *per centum per annum.*

If company established in England, authorized copies of statute returns required there to be recorded in Jamaica, under penalty.

*Sixtieth*—That if the company, entitled to the benefit of this act, shall be established in England, duly examined copies, or copies certified by the officer in whose custody the same shall be, of all returns from time to time required by the statute in England to be furnished of the names and address of the shareholders, and of their shares, and of the assets and liabilities of the company, shall, within three months after the same shall have been furnished to such



such officer, be transmitted by the said company to this island, and recorded in the office of the secretary thereof; and if the said company shall fail to transmit and record such copies, they shall forfeit and pay the sum of fifty pounds for every omission.

*Sixty-first*—That when such company shall be established in England as aforesaid, the said company shall cause the power of attorney, under which their representative is from time to time provided for in this island, to be recorded in the office of the secretary of this island.

Power of attorney to be recorded in secretary's office.

*Sixty-second*—That service of any action, suit, or other proceedings on the attorney of the said company, or the manager of the said company in the city of Kingston, shall be good service on the said company.

Service of attorney or manager in Kingston, good service.

*Sixty-third*—That in the construction of this act the following words and expressions have the following meanings, unless excluded by the subject or context:

Interpretation clause.

The word "consumer" means a person receiving, or entitled, in accordance with this act, to receive a supply of gas.

The word "street" includes square, highway, lane, road, thoroughfare, and public passage or place.

The word "premises" includes public and private messuages, and other buildings, lands, and tenements whatsoever.

The word "rate" includes all rents, and other payments for a supply of gas.

The word "meter rent" includes all rents, and other payments for the use of gas meters.

*Sixty-fourth*—This act shall be deemed and taken to be a public act, shall be judicially taken notice of as such by all judges, justices, and others, and be pleaded in any of the courts of this island.

This act a public act.

## C A P. XLI.

*An act to establish a system of general vaccination.*

Preamble.

**W**HEREAS it is necessary to promote the practice of vaccination in this island: *Be it enacted by the governor, legislative council, and assembly of this island, and by the authority of the same, as follows:*

Vestry to elect parish vaccinators,

*First*—The vestry of each parish in this island shall, at the quarterly meeting next after the coming into effect of this act, and afterwards at the meeting held for the election of parochial officers in each year, elect one or more persons, being qualified as herein-after enacted, to be parish vaccinator, or parish vaccinators for the said parish.

and divide parish into districts.

*Second*—The vestry of each parish may either appoint one vaccinator for the whole parish, or divide the parish into districts, and appoint a vaccinator for each.

Qualification of vaccinators.

*Third*—The qualification for the office of vaccinator shall be, either that the candidate be a regularly qualified medical practitioner, whose name appears on the register of medical practitioners in this island, or that he do present a certificate, signed by two regularly qualified medical practitioners, stating that he is competent to perform the operation, and to judge of and record its results, according to the form A, to this act annexed.

Vaccinators to appoint days and places for vaccinating persons presenting themselves,

*Fourth*—Each parish vaccinator shall, immediately after his appointment, arrange with such ministers of religion of all denominations, and schoolmasters, or other person who shall be appointed by the vestry, as shall be willing to act within the parish or district, and appoint certain days on which he will attend at their respective churches, chapels, schools, or stations, for the purpose of vaccinating such persons or children as may present themselves, or be brought to him for vaccination, and each parish vaccinator shall perform the vaccination himself, and not by means of a deputy or agent.

and to make return of names and occupations of persons who are to countersign his returns, &amp;c.

*Fifth*—Each parish vaccinator, so soon as he shall have determined on, and arranged his stations for vaccination, shall make a return thereof, and of the names and occupations of the persons who are to countersign his returns, and the probable date of his attendances at such stations, to the clerk of the vestry of the parish, according to the form B, to this act annexed.

*Sixth*



*Sixth*—The clerk of the vestry of each parish shall, as soon as possible after the election of the parish vaccinator or vaccinators, make a return to the executive committee, according to the form C, to this act annexed, giving the name of each vaccinator so appointed, his qualification, and, in event of his not being a regularly qualified medical practitioner, the names of the two medical practitioners who have signed his certificate, the district to which he has been appointed, the names of the stations in such district at which he proposes to meet the people for the purpose of vaccination, and the name and occupation of the person at such station, who is to countersign his returns.

Clerk of vestry to make return to executive committee of names of vaccinators appointed, qualification, &c.

*Seventh*—Each parish vaccinator shall visit each station on three separate occasions, at intervals not shorter than seven days, nor longer than nine days.

Vaccinators' duties.

On the first occasion he shall vaccinate such persons or children as may present themselves, or may be brought to him to be vaccinated.

On the second he shall observe and record, on a list to be kept in duplicate for that purpose, according to the form D, to this act annexed, the result of the vaccinations performed the previous week; he shall re-vaccinate such cases as may have failed on the previous occasion, and also vaccinate any other person or child who may come or be brought to him for that purpose.

On the third he shall observe and record the result of his vaccinations and re-vaccinations on the occasion of his second visit.

*Eighth*—The minister of religion, schoolmaster, or person appointed by the vestry, at whose church, chapel, school, or other station vaccination is performed, shall countersign the record appointed to be kept according to the form D, to this act annexed.

Record to be countersigned by persons at whose church, &c. vaccination is performed.

*Ninth*—Upon, or immediately after the successful vaccination of any person or child, the vaccinator who shall have performed the operation, shall deliver to such person, or to the father or mother, or person who shall have the care, nurture, or custody of such child, a certificate under his hand, according to the form E, to this act annexed, that the said person or child has been successfully vaccinated; and the number to be inserted in such certificate shall be the same under which the said person or child is registered in the form D, to this act annexed.

Vaccinators to give certificates to persons successfully vaccinated.

*Tenth*—Every vaccinator shall make out, in duplicate, the returns of vaccinations performed by him, according to the form D,

and make duplicate returns to clerks of vestries of vaccinations performed, to



to this act annexed, and forward the same to the clerk of the vestry of the parish for which he is appointed.

who is to present same to the vestry for examination and attestation, &c.

*Eleventh*—The clerk of the vestry of each parish shall present such returns to the vestry, at their first quarterly meeting held after the receipt thereof for examination and attestation by the board, who are hereby required to examine and attest the same, subject to any vote [note] or observation which may appear to the board to be proper, and which they shall subjoin to, or endorse upon the same, in writing, by the clerk, who shall note thereon the date of the meeting, and subscribe and state the same to be done by order of the board; and the clerk of the vestry shall forward one copy, so examined and attested, together with any such note or observation, to the secretary of the executive committee, at the same time with the application for payment of the vaccinator's services.

one copy, so attested, to be sent to secretary of executive committee, with application for payment,

and the other to be filed.

*Twelfth*—The clerk of the vestry of each parish shall file and preserve the other copy, so examined and attested, together with any such note or observation by the vestry thereon, as a parish record.

Vaccinator to give certificate to persons insusceptible of vaccine disease.

*Thirteenth*—In the event of any medical practitioner or parish vaccinator being of opinion, after three successive vaccinations, that any person or child is insusceptible of the vaccine disease, he shall deliver to such person, or the father or mother, or person having the care, nurture, or custody of such child, a certificate under his hand, according to the form F, to this act annexed, that such person or child is insusceptible of vaccine disease.

Vaccinators' remuneration, how payable.

*Fourteenth*—The salary or remuneration of every parish vaccinator shall be at a rate not exceeding one shilling for each case certified to have been successful, which remuneration shall be paid on the warrant of the governor, to be issued after reception and examination by the executive committee of the attested vaccination returns from the vestry of each parish.

Vaccine lymph to be supplied from the public hospital.

*Fifteenth*—Each parish vaccinator shall be supplied with vaccine lymph in glass tubes at the public expence; and it shall be the duty of the chief medical officer at the public hospital to import, when necessary, from some vaccine establishment in Great-Britain a sufficient quantity of the lymph in tubes, along with a supply of spare tubes for preserving the lymph for the purposes of this act.

Persons previously vaccinated not to be registered.

*Sixteenth*—No parish vaccinator shall be entitled to register the name of any person who has been already vaccinated, or who bears the mark of previous successful vaccination.

*Seventeenth*



*Seventeenth*—The executive committee shall cause to be provided all such books, certificates, schedules, notices, regulations, and other forms as they may deem requisite for carrying into full effect the provisions of this act, and shall transmit the same, when necessary, to the clerk of the vestry of each parish within the island, and the said clerk of the vestry shall deliver to the vaccinator, or to each vaccinator of his parish, such of the said books, certificates, schedules, notices, regulations, and other forms as may be required for the due performance of the duties imposed upon him or them by this act.

Books, certificates, and other forms to be provided by executive committee, to be transmitted to clerks of vestries for distribution.

*Eighteenth*—On the location on any estate, plantation, or other settlement of any liberated Africans or East Indian, Chinese, or other Coolie, it shall be the duty of the person having charge of such estate, plantation, or other settlement, to send information thereof to the vaccinator of the parish or district in which such estate, or plantation, or other settlement may be situated; and such vaccinator shall, at some time not exceeding a period of three months after receipt of such information, visit and vaccinate such of the said Africans or Coolies, and the children of such Africans and Coolies, as he may consider to be in a fit and proper state to be successfully vaccinated, and shall record the results of such vaccination, and issue certificates in such cases as shall have proved successful, and forward, in duplicate, the returns of such vaccination to the clerk of the vestry of the parish in which such estate, plantation, or other settlement may be situated; and such returns shall be brought before the vestry, and be examined and attested, subject to any note or observation by the board, and one copy thereof forwarded to the executive committee, and the other copy preserved as a parish record, in all respects in like manner as is by this act directed in respect to other vaccination returns.

How Africans, Chinese, or other Coolies vaccinated are to be dealt with.

*Nineteenth*—The person in charge of such estate, plantation, or other settlement may, if he so prefers it, have the operation performed by any regularly qualified medical practitioner, who may be under any agreement or contract to attend the immigrants of such estate; but such medical practitioner shall not, in such case, be entitled to receive remuneration from any fund provided by the government for vaccination purposes.

Operation may be performed by medical men under agreement to attend immigrants, but without remuneration.

*Twentieth*—It shall be the duty of each sub-agent of immigration, at his periodical visits to the estates, plantations, or other settlements within his district, to ascertain that the requirements of this act have been complied with; and, in event of any person in charge of any such estate, plantation, or other settlement, having neglected or refused to comply with such requirements, it is hereby declared to be the duty of such sub-agent to procure the same to be forthwith carried out, by requiring and authorizing the

Duties of sub-agents of immigration under this act.



vaccinator of the parish or district, from time to time, as occasion may require, at any hour between eight of the clock in the forenoon, and four in the afternoon of any day, to enter on any such estate, and to vaccinate the immigrants and their children thereon, or such of them as may be fit for vaccination, giving seven days' notice to the person in charge of such estate of his intention to do so, and for such services the said vaccinator shall, on completion thereof, be paid by the person in charge of such estate, plantation, or other settlement, the sum of one shilling for every such immigrant or child successfully vaccinated, according to the return or statement of such vaccinator; and, in case of any default, the amount in default shall be recovered by warrant, according to the form K, hereunto annexed, to be issued by the agent-general of immigration, who is hereby authorized and required to issue such warrant accordingly.

Penalty on persons obstructing vaccinators.

*Twenty-first*—Any person preventing any such authorized vaccinator from entering on any such estate as by this act provided, or otherwise preventing or obstructing him from or in carrying out the requirements of this act, shall, for every offence, on conviction thereof before any two justices of the peace, pay a fine not exceeding five pounds.

Penalty on parents or guardians who fail to cause children to be vaccinated.

*Twenty-second*—Parents or guardians of any child, or family of children under twelve years of age, shall cause such child or children, if not previously vaccinated, to be vaccinated within twelve months after the passing of this act, by the medical or other officer or person appointed and paid by the public for such purpose, under a penalty not exceeding twenty shillings; or, in default of payment, by imprisonment not exceeding thirty days, on conviction: *Provided*, That any person, above twelve years of age, on paying not exceeding one shilling to the medical officer or other person aforesaid, shall be entitled to be vaccinated: *Provided also*, That no conviction shall take place where it shall be proved that the parents or guardians have taken such child or children to be vaccinated previous to the day of trial; but they shall be liable to pay the costs of the proceedings.

Persons above 12 years of age to be vaccinated on paying 1s. each.

No conviction to take place if children are vaccinated before day of trial.

Penalty on vaccinators failing to register, or improperly registering persons vaccinated.

*Twenty-third*—Every vaccinator who shall fail to register, according to this act, any person or child successfully vaccinated by him, or who shall register the vaccination of any person or child who shall not have been successfully vaccinated, shall forfeit a sum not exceeding twenty shillings for each such case.

Penalty on persons forging or counterfeiting certificates.

*Twenty-fourth*—Any person who shall forge or counterfeit any certificate required by this act, or who shall knowingly utter or use any forged or counterfeited certificate, shall be guilty of a  
misdeemeanor,



misdeameanor, and, upon conviction, shall be punished accordingly.

*Twenty-fifth*—Any parish vaccinator who shall demand or receive any remuneration, fee, or reward from any person, or in any manner otherwise than as is by this act provided for any service rendered in his capacity of parish vaccinator, shall, on conviction for every such offence, pay a penalty not exceeding twenty shillings.

Penalty on vaccinators receiving remuneration not authorised by this act.

*Twenty-sixth*—Any person who shall pretend to be, or shall act as a parish vaccinator, without having been duly appointed as such by the vestry of a parish, or pretending to be such vaccinator, shall demand or receive any remuneration from, or reward for vaccinating any person, or shall falsely and deceitfully personate any parish vaccinator, with intent to induce any person to be vaccinated by him, or fraudulently to obtain any remuneration, fee, or reward, or to defraud any board of vestry, clerk of the vestry, or other officer or person whomsoever, shall, on conviction for every such offence, pay a penalty not exceeding five pounds.

Penalty on persons vaccinating without being appointed to do so.

*Twenty-seventh*—No parish vaccinator shall be paid, from the funds to be appropriated for the purposes of this act, for the vaccination of any person or child beyond the limits of the district to which he shall have been appointed.

Vaccinator not to be paid for vaccinating out of his district.

*Twenty-eighth*—Any person who shall produce, or attempt to produce in any person, by inoculation with variolus matter, or by wilful exposure to variolus matter, or to any matter, article, or thing impregnated with variolus matter, or wilfully by any other means whatever produce the disease of small pox within this island, shall forfeit a sum not exceeding five pounds.

Penalty on persons producing small pox by inoculation with variolus or other matter.

*Twenty-ninth*—From and after the coming into effect of this act, no child or person shall be admitted as a pupil into any of the following schools, *videlicet*: Smith's charity school, St. Jago de la Vega free school, Jamaica free school, Manning's free school, Wolmer's free school, Russea's free school, Manchester district schools, Vere district school, and Munro and Dickenson's school, without producing a certificate, according to one or other of the forms to this act annexed; and should any child or person have in any way gained admission into any such school without complying with the requirements of this act, such child or person shall thereon cease to be received as a pupil; nor shall any one so disqualified be again admitted as a pupil until after the lapse of a period of six months, and on having complied with the requirements of this act.

No child to be admitted into certain schools without production of vaccination certificate.



Masters to register particulars of certificate presented by each pupil.

which is to be examined by inspector of schools,

and by him reported to the governor.

Penalty on masters receiving pupils, without complying with requirements of this act.

Medical practitioner may vaccinate gratuitously or by contract, but unless appointed, not payable by government.

They may be supplied with forms by clerks of vestry.

As to signing forms.

Recovery of penalties.

**Thirtieth**—It shall be the duty of the masters of all the schools mentioned in the twenty-ninth section of this act, to ascertain that the requirements of this act have been fully complied with, and to enter, on a register to be kept for that purpose, and according to the form I, to this act annexed, the particulars of the certificate presented by each child or person admitted as a pupil into his school; and it shall be the duty of the government inspector of schools, in addition to all other duties, to examine such register, and to satisfy himself that the same is duly kept, and that the entries therein are according to fact.

**Thirty-first**—It shall be the duty of the government inspector of schools to report the result of his inspection of the said registers to the governor; and wherever it shall appear that the requirements of this act have not been properly complied with, to make a special report thereon.

**Thirty-second**—Should it at any time appear that the master of any school, hereinbefore mentioned, has wilfully or knowingly permitted any pupil to enter his school after this act shall have come into effect, without having fully complied with the requirements herein contained, then such master shall forfeit and pay such a sum, to be deducted from his salary, as the governor may think fit.

**Thirty-third**—Nothing contained in this act shall be deemed to prevent any qualified medical practitioner, whether or not appointed as a parish vaccinator, from performing vaccination in any part of the island, or issuing the certificate marked B, to this act annexed, so long as he shall do so either gratuitously or by private contract; but no person, except a regularly appointed parish vaccinator, shall be entitled to remuneration from the funds to be appropriated by the government for the purposes of this act.

**Thirty-fourth**—Regularly qualified medical practitioners shall, on application to the clerk of the vestry of the parish in which they may reside, be supplied with such of the forms, contained in the schedule to this act annexed, as they require.

**Thirty-fifth**—The forms E and F, to this act annexed, may be signed by any regularly qualified medical practitioner, or by any vaccinator appointed by the vestry of any parish; but the forms G and H shall be valid only when signed by a regularly qualified medical practitioner.

**Thirty-sixth**—Every penalty or fine by this act imposed, the recovery of which is not otherwise provided for, may be recovered according to the provisions of any act in force at any time with respect



spect to summary convictions and orders, and shall be appropriated to the credit of the "*Further Immigration Fund, 1861.*"

*Thirty-seventh*—That from and after the passing of this act it shall be the duty of the justices of each parish, or any two of them, at the first petty session court in the months of April, July, and October in the first year after the passing of this act, or at any petty session court to be held at any other time, to direct the sergeant of police, or some policeman in any city, town, village, or parish in this island, to give public notice (according to the form K, annexed to this act), by printed bills posted on the entrance doors of the court-house, churches, chapels, school houses, market houses, and police stations, and in such other manner as they shall think fit, requiring all parents and guardians to cause their children to be vaccinated according to the provisions of this act, such printed forms to be furnished by the justices and vestries of each parish.

Justices to direct sergeants of police or policemen to give notice, requiring parents to have their children vaccinated.

*Thirty-eighth*—All returns required to be made by the public vaccinators under the provisions of this act shall be declared to be before any justice of the peace for the parish for which each vaccinator was appointed, and a false statement made in any such return shall subject the party making the same to the pains and penalties of perjury.

Vaccinators' returns to be declared to before a justice of the peace.

False statement punishable.

*Thirty-ninth*—This act shall come into operation on the first day of May, in the year one thousand eight hundred and sixty-five.

Time of act coming into operation.

*Thirty-ninth*—[Fortieth]—This act may, for all purposes, be cited as "*THE VACCINATION ACT, 1865.*"

How to be cited.

## FORM A.

Jamaica, ss.  
Parish of

We, the undersigned regularly registered medical practitioners, do hereby certify, that we consider of the parish of is competent to perform the operation of vaccination, to recognise and judge of its results, and to record the same, and that he has sufficient acquaintance with the general forms of disease to be able to select proper subjects both for obtaining lymph, and for undergoing vaccination.

Dated this day of 186

FORM

## FORM B.

*Jamaica, ss.  
Parish of*

*District of  
RETURN of Stations at which*

*Parish Vaccinator, has appointed to hold Vaccinations.*

NO. OF STATIONS.	NAME OF STATIONS.	Name and Occupation of Person who will Countersign Returns.	Probable Dates of Visiting Stations.

(Signed)

*parish vaccinator.*

FORM





## FORM D.

Jamaica, ss.

## VACCINATION Return for the Parish of \_\_\_\_\_

} Station.

N. B. It is requested that successful cases may be marked simply with a large "S." Unsuccessful with a large "U," under the head "Results."

* No.	NAME.	Vaccinated on	Seen on	RESULT.	Re-Vaccinated on	Seen on	RESULT.	OBSERVATIONS.
								Synopsis of this sheet Successful No. — Unsuccessful No. —

\_\_\_\_\_ parish vaccinator.

Certified correct, to the best of my judgment and belief

\_\_\_\_\_ curate of

\_\_\_\_\_ master of

\_\_\_\_\_ school.

\* The number herein entered must correspond with those of certificates issued, according to Form E.

FORM



## FORM E.

Jamaica, ss.  
Parish of

}

\*No.

I certify that on the                      day of                      186  
I vaccinated                      of the parish of                      and  
that I again saw the said                      on the  
day of                      and that the vaccination was successful.

A. B. qualified practitioner, or C. D.  
vaccinator appointed by vestry.

\*N. B. The No. in this certificate must correspond with the number on the return,  
Form D.

## FORM F.

Jamaica, ss.  
Parish of

I, the undersigned, hereby certify, that I am of opinion  
that                      of the parish of                      is  
insusceptible of the vaccine disease.

Dated this                      day of                      186

(state qualification).

## FORM G.

Jamaica, ss.  
Parish of

I certify that                      of the parish of                      bears  
the marks of a successful vaccination.

Dated this                      day of                      186

state medical qualification.

N. B.—This form can be signed only by a regularly qualified medical practitioner.

## FORM H.

Jamaica, ss.  
Parish of

I certify, that I have carefully examined

5 S

of  
the

*the parish of* *and I am satisfied, and hereby*  
*certify accordingly, that the said* *has passed*  
*through a regular attack of small pox.*

*Dated this*

*day of*

186

---

*state medical qualification.*

N. B.—This form can be signed only by a regularly qualified medical practitioner.

---

FORM





## FORM K.

## NOTICE.

*To all parents and guardians.*

*You are hereby required, immediately after this notice, to cause any child or children under your protection, or charge, to be vaccinated according to the provisions of the "Vaccination Act, one thousand eight hundred and sixty-five;" and, in default of your so doing, you will be subjected to a penalty of twenty shillings, or imprisonment for thirty days, for each offence.*

*Dated this*

*day of*

*186*

## FORM L.

## FORM OF WARRANT.

*Whereas default hath been made in payment of the sum of due for vaccination of immigrants located on estate, in the parish of according to the provisions of "THE VACCINATION ACT, 1865:"*

*These are therefore to command you to levy the said sum of by distress of any goods or chattels to be found upon the said estate, in the said parish, upon which a landlord might distrain for rent in arrear; and if, within fourteen days next after such distress by you taken, with or without previous appraisement, the said sum, and the charges of distraining and keeping the same, shall not be paid according to the scale fixed by the act of the first Victoria, chapter twenty-five, then that you do sell the said goods and chattels, so by you distrained, and, out of the money arising by such sale, that you do pay the said sum of to parish vaccinator of the said parish, under the provisions of "THE VACCINATION ACT, 1865," returning the overplus, if any, on demand, to the proprietor, overseer, or manager of the said estate, after retaining the charges on the scale aforesaid of distraining and keeping such distress.*

*Given under my hand, this*

*day of*

*18*

*agent-general of immigration.*

*To any policeman of the parish of*



## C A P. XLII.

*An act for the winding up of companies.*

**W**HEREAS it is necessary to provide for the winding up of companies and associations, established or to be established in this island: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted, as follows:*

Preamble.

## PRELIMINARY.

*First*—The term “contributory,” shall mean every person liable to contribute to the assets of a company, in the event of the same being wound up; it shall also, in all proceedings for determining the persons who are to be deemed contributory, and in all proceedings prior to the final determination of such persons, include any person alleged to be contributory.

“Contributory” defined.

*Second*—The liability of a contributory, in the event of a company being wound up, shall be deemed to create a debt in the nature of a specialty accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls shall have been or shall be made for enforcing such liability: *Provided*, That nothing herein contained shall increase the liability of any shareholder, copartner, or contributory of any public company beyond his original liability.

Nature of liability of contributory.

Limitation.

*Third*—In case of the insolvency or bankruptcy of any contributory, it shall be lawful to prove against his estate the estimated value, or [of] his or her liability to future calls, as well as calls already made; and the official assignee, or other the assignees of such contributory shall, in case of such insolvency or bankruptcy, be deemed to represent him, and may be called upon to admit the proof against his estate, or otherwise to allow to be paid out of the assets, in due course of law, such sum as shall be due from such insolvent or bankrupt, in respect of his liability to contribute to the assets of the company being wound up.

Contributory in case of insolvency or bankruptcy.

*Fourth*—In case of the death of any contributory, his personal representatives, heirs, and devisee, in a due course of administration, and in case of the marriage of a female contributory, her husband, during the continuance of the marriage, in the same sum as she would have been liable if she had not married, shall be liable to contribute to the assets of the company, and be deemed contributories accordingly.

Contributories in case of death or marriage.

*Fifth*

Period of insolvency  
or bankruptcy imma-  
terial.

*Fifth*—It is immaterial whether the insolvency of such contributory shall have happened, or shall happen before he or she has been placed on the list of contributories as hereinafter mentioned.

#### WINDING UP.

Circumstances under  
which company may  
be wound up.

*Sixth*—A company may be wound up, as hereinafter defined, under the following circumstances :

First. Whenever the company has passed a special resolution, requiring the company to be wound up.

Second. Whenever the company shall not commence its business within a year from its incorporation or registration, or shall suspend its business for the space of one year.

Third. Whenever the members are reduced in number to less than seven.

Fourth. Whenever the company is unable to pay its debts.

Fifth. Whenever the court is of opinion that it is just and equitable that the company should be wound up.

When company shall  
be deemed unable to  
pay its debts.

*Seventh*—A company under this act shall be deemed unable to pay its debts—

First. Whenever a creditor, by assignment or otherwise, to whom the company is indebted at law or in equity, in a sum exceeding fifty pounds, then due as served on the company, by leaving the same at the registered or head office, a demand, under his hand, requiring the company to pay the sum due, and the company has, for the space of three weeks succeeding the service of such demand, neglected to pay such sum, or to secure a compound for the same, to the reasonable satisfaction of the creditors.

Second. Whenever execution or other process, issued on a judgment, decree, or order obtained in any court in favour of any creditor at law or in equity, in any proceeding instituted by such creditor against the company, is returned unsatisfied in whole or in part.

Third. Whenever it is proved, to the satisfaction of the court, that the company is unable to pay its debts.

Supreme court, and  
judges thereof, with  
equal powers, to ad-  
minister this act.

*Eighth*—The judges of the supreme court, with the powers of the court of equity, shall be the judges to administer this act ; and the term "court," throughout this act, shall mean supreme court of judicature of this island ; and any judge of the supreme court may do in chambers any act which the court is hereby authorized to do.

*Ninth*



*Ninth*—Any application to the court for winding up of a company under this act shall be by petition; it may be presented by the company, or by any one or more creditor or creditors, or by any one or more contributory or contributories to the company, or by all or any of the above parties, together or separately; and every order which may be made on any such petition shall operate in favour of all the creditors, and all the contributories of the company, in the same manner as if it had been made upon the joint petition of a creditor and a contributory.

Application for winding up to be made by petition.

*Tenth*—A winding up of a company shall be deemed to commence at the time of the presentation of the petition for the winding up.

Commencement of winding up.

*Eleventh*—The court may, at any time after the presentation of a petition for winding up a company under this act, and before making an order for winding up the company, upon the application of the company, or of any creditor or contributory of the company, restrain further proceedings in any action, suit, or proceeding against the company, upon such terms as the court thinks fit.

Court may grant injunction.

*Twelfth*—Upon hearing the petition, the court may dismiss the same with or without costs, and adjourn the hearing conditionally or unconditionally, and may make any *interim* order, or any other order that it deems just.

Course of proceeding on hearing.

*Thirteenth*—When an order has been made for winding up a company under this act, no suit, action, or other proceeding shall be proceeded with, or commenced against the company, except with the leave of the court, and subject to such terms as the court may impose.

Actions and suits stayed after order for winding up.

*Fourteenth*—The court may, at any time after an order has been made for winding up a company, upon the application, by motion of any creditor or contributory of the company; and, upon proof to the satisfaction of the court that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms, and subject to such conditions as it deems fit.

Power of court to stay proceedings.

*Fifteenth*—When an order has been made for winding up a company, limited by guarantee, and having a capital divided into shares, any share capital that may not have been called up, shall be deemed to be assets of the company, and to be a debt (of the nature of a specialty) due to the company from each member, to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the court.

Effect of order on share capital of company limited by guarantee.

*Sixteenth*

Court may have regard to wishes of creditors or contributories.

*Sixteenth*—The court may, as to all matters relating to the winding up, have regard to the wishes of the creditors or contributories, as proved to it by any sufficient evidence; and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held, and conducted in such manner as the court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the court; in the case of creditors regard is to be had to the value of the debts due to each creditor; and, in the case of contributories, to the number of votes conferred on each contributory by the regulation of the company.

#### LIQUIDATORS.

Appointment of liquidators.

*Seventeenth*—For the purpose of conducting the proceedings in winding up a company, and assisting the court therein, there may, upon or after any petition has been filed for winding up a company, be appointed a person or persons to be the liquidator or liquidators of the particular company; and the court may appoint such person or persons, either provisionally or otherwise, as it thinks fit; in all cases, if more persons than one are appointed liquidators, the court shall declare whether any act, hereby required or authorized to be done by the liquidator, is to be done by all, or any one or more of such liquidators; the court may also determine whether any and what security is to be given by any liquidator on his appointment; if no liquidator is appointed, or, during any vacancy in such appointment, all the property of the company shall be deemed to be in the custody of the court.

Resignations, removals, filling up vacancies, and remuneration.

*Eighteenth*—Any liquidator may resign, or be removed by the court on due cause shewn; and any vacancy in the office of liquidator shall be filled by the court; there shall be paid to the liquidator such salary or remuneration, by way of per centage or otherwise, as the court may direct; and if more liquidators than one are appointed, such remuneration shall be distributed among them in such proportions as the court directs.

Style and duties of liquidators.

*Nineteenth*—The liquidator or liquidators shall be described by his name, and the style of the liquidator or liquidators of the particular company in respect of which he is or they are appointed, and not by his or their individual name or names alone; he or they shall take into his or their custody, or under his or their control, all the property, effects, and things in action, to which the company is, or appear to be entitled, and shall perform such duties, in reference to the winding up of the company, as may be imposed by the court.

*Twentieth*



*Twentieth*—The liquidator shall have power, with the sanction of the court, to do the following things: Powers of liquidator.

To bring or defend any action, suit, or prosecution, or other legal proceeding, civil or criminal, on behalf of the company, and which may be brought or defended by him in his name and style of office.

To carry on the business of the company, as far as may be necessary, for the beneficial winding up of the same.

To sell the real, and personal, and moveable property, effects, and things in action of the company, by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels.

To do all acts, and to execute, in his name and style of office, on behalf of and for the company, all deeds, receipts, and other documents, and for that purpose to use when necessary the company's seal.

To prove rank, claim, and draw a dividend in the matter of the insolvency or bankruptcy of any contributory against the estate of such contributory.

To take out, if necessary, in his name and style of office, letters of administration to any deceased contributory, and to do any other act that may be necessary for obtaining payment of any monies due from such contributory or his estate.

To do and execute all such other things as may be necessary for winding up the affairs of the company and distributing its assets.

*Twenty-first*—The court may provide, by any order, that the liquidator may exercise any of the above powers without the sanction or intervention of the court. Discretion of liquidator.

*Twenty-second*—The liquidator may, with the sanction of the court, appoint a solicitor to assist him in the performance of his duties. Appointment of solicitor to liquidator.

#### ORDINARY POWERS OF THE COURT.

*Twenty-third*—As soon as may be after the making of any order for winding up a company the court shall settle a list of contributories, with power to rectify the register of members in all cases where such rectification is required, and shall cause the assets of the company to be collected and applied in discharge of its liabilities. Collection and application of assets.

Provision as to representative contributories.

*Twenty-fourth*—In settling the list of contributories, the court shall distinguish between persons who are contributories in their own right, and persons who are contributories by their being representatives of, or being liable to the debts of others; it shall not be necessary, when the personal representative is on the list, to add the heirs or devisees of such contributory, but they may be added, if the court think it necessary.

Notice to be given on being made a contributory, &c.

*Twenty-fifth*—No person shall be made a contributory unless notice in writing be given or sent to him, or, in case of his absence, to his attorney, or agent in this island, to shew cause against his being settled as a contributory on the list of contributors at least fourteen days before such list is settled.

Power of court to direct service of notices or proceedings.

*Twenty-sixth*—The court shall have full power to direct in what manner service of notices and other proceedings shall be effected in cases where the parties to be served are absentees from this island and unrepresented, or cannot be found after reasonable enquiry.

Power of court to require delivery of property.

*Twenty-seventh*—The court may, at any time after making any order for winding up a company, require any contributory for the time being, settled on the list of contributories, trustee, receiver, banker, or agent, or officer of the company, to pay, deliver, convey, surrender, or transfer forthwith, or within such time as the court directs to or into the hands of the liquidator, any sum or balance, books, papers, estate, or assets which happen to be in his hands, for the time being, and to which the company is *primâ facie* entitled.

Power of court to order payment of debts by contributory.

*Twenty-eighth*—The court may, at any time after making an order for winding up the company, make an order on any contributory, settled on the list of contributories, directing payments to be made, in manner in the said order mentioned, of any monies due from him, or from the estate of the person whom he represents to the company, exclusive of any money which he, or the estate of the person whom he represents, may be liable to contribute, by virtue of any call made, or to be made by the court in pursuance of this act; and it may, in making such order, when the company is not limited, allow to such contributory, by way of set-off, any monies due to him, or the estate which he represents, from the company, on any independent dealing or contract with the company, but not any monies due to him as a member of the company, in respect of any dividend or profit: *Provided*, That when all the creditors of any company, whether limited or unlimited, are paid in full, any monies due on any account whatsoever to any contributory from the company may be allowed to him by way of set-off against any subsequent call or calls.

Proviso.

*Twenty-ninth*



*Twenty-ninth*—The court may, at any time after making an order for winding up a company, and either before or after it has ascertained the sufficiency of the assets of the company, make calls, and make order for payment thereof by all or any of the contributories for the time being, settled on the list of contributories, to the extent of the liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the company, and the costs, charges, and expenses of winding it up, and for the adjustment of the rights of the contributories among themselves; and it may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

Power of court to make calls.

*Thirtieth*—The court may order any contributory, purchaser, or other person from whom money is due to the company, to pay the same into the office of the receiver-general of this island to the account of the liquidator, and such order may be enforced as if it had directed payment to the liquidator.

Power of court to order payment to receiver-general.

*Thirty-first*—If any person made a contributory, either in his own right, or as personal representative of a deceased contributory, makes default in paying the sum ordered to be paid by him, execution may issue upon such order, as upon an order made in pursuance of the act eighth Victoria, chapter forty-eight, against such contributory, or the assets of the deceased contributory; and if such execution in the case of a deceased contributory shall not be effectual, proceedings may, with the sanction of the court, be taken in the court of chancery of this island for administering the personal and real estate of such deceased contributory, and of compelling payment thereof of the money due.

On default of payment by contributory, execution may issue as under 14th Vic. cap. 48.

*Thirty-second*—Any order made by the court in pursuance of this act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the monies, if any, thereby appearing to be due, or ordered to be paid, are due, and all other pertinent matters stated in such order, are to be taken to be truly stated as against all persons, and in all proceedings whatsoever, with the exception of proceedings taken against the real estate of any deceased contributory, in which case such order shall only be *prima facie* evidence for the purpose of charging his real estate, unless his heirs or devisees were on the list of contributories at the time of the order being made.

Order conclusive evidence.

*Thirty-third*—The court may fix a certain day or certain days, on or within which creditors of the company are to prove their debts

Court may exclude creditors not proving within certain time.



or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

Court may adjust rights of contributors, *inter se*.

*Thirty-fourth*—The court shall adjust the rights of the contributors amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

Court to order costs.

*Thirty-fifth*—The court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment, out of the assets of the company, of the costs, charges, and expenses incurred in winding up any company, in such order of priority as the court thinks just.

Dissolution of company.

*Thirty-sixth*—When the affairs of the company have been completely wound up, the court shall make an order that the company be dissolved from the date of such order, and the company shall be dissolved accordingly.

#### EXTRAORDINARY POWERS OF THE COURT.

Power of court to summon persons before it suspected of having property of company.

*Thirty-seventh*—The court may, after it has made an order for the winding up of the company, summon before it any officer of the company, or person known or suspected to have in his possession any of the estate or effects of the company, or supposed to be indebted to the company, or any person whom the court may deem capable of giving information concerning the trade, dealings, estate, or effects of the company; and the court may require any such officer or person to produce any books, papers, deeds, writings, or other documents in his custody or power relating to the company; and if any person, so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the court at the time appointed, having no lawful impediment (made known to the court at the time of its sitting, and allowed by it), the court may cause such person to be apprehended and brought before the court for examination; nevertheless, in cases where any person claims any lien on papers, deeds, or writings, or documents produced by him, such production shall be without prejudice to such lien, and the court shall have jurisdiction, in the winding up, to determine all questions relating to lien: *Provided*, That no person shall be entitled to have or claim any lien on the books or accounts of the company.

Proviso.

Examination of parties by the court.

*Thirty-eighth*—The court may examine, upon oath, either by word of mouth or upon written interrogatories, any person appearing or brought before them in manner aforesaid concerning the affairs, dealings, estate, or effects of the company, and may reduce into writing the answers of every such person, and require him to subscribe the same.

*Thirty-ninth*



*Thirty-ninth*—The court may, at any time before or after it has made an order for winding up a company, upon proof being given that there is probable cause for believing that any contributory to such company is about to quit the island, or otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the company, cause such contributory to be arrested, and his books, papers, monies, securities for monies, goods, and chattels to be seized, and him and them to be safely kept until such time as the court may order.

Power to arrest contributory about to abscond, or to remove, or conceal any of his property.

*Fortieth*—Any powers by this act conferred upon the court shall be deemed to be in addition to, and not restrictive of any other powers subsisting at law or in equity of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the company, for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Powers of court cumulative.

#### ENFORCEMENT AND APPEAL FROM ORDERS.

*Forty-first*—All orders made by the court under this act, may be enforced in the same manner in which orders of the supreme court or court of chancery, made in any proceeding or suit before them, may be enforced; and, for the purposes of this act, the court shall, in addition to the ordinary powers of the supreme court, have the same powers for enforcing any orders made by it as the court of chancery, in relation to matters within the jurisdiction of such court.

Powers to enforce orders.

*Forty-second*—Appeals from any order or decision, made or given in the matter of the winding up of a company before any single judge, may be made to the supreme court, sitting in banco, in the same manner, and subject to the same rules and conditions as are required in cases of new trials in matters within the ordinary jurisdiction of the supreme court.

Appeals from single judge to court.

#### POWER OF COURT TO MAKE RULES.

*Forty-third* The supreme court of judicature may, as often as circumstances require, make such rules concerning the mode of proceeding to be had for winding up a company, as may from time to time seem necessary; but until such rules shall be made, the court or judge acting in the matter may, by the order made upon the petition, or upon summary application afterwards, give such directions, not inconsistent with this act, for carrying out the provisions thereof in respect of the particular company being or being sought to be wound up.

Court may make rules.

*Forty-fourth*



## SUPPLEMENTARY PROVISIONS.

Dispositions after the commencement of the winding up.

*Forty-fourth*—When any company is being wound up under this act, all dispositions of the property, effects, and things in action of the company, and every transfer of shares or alteration of the status of the members of the company, made between the commencement of the winding up and the order for winding up shall, unless the court otherwise orders, be void.

The books, &c. of the company to be evidence.

*Forty-fifth*—When any company is being wound up, all books, accounts, and documents of the company, and of the liquidator, shall, as between the contributories of the company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded.

Inspection of books.

*Forty-sixth*—When an order has been made for winding up a company, the court may make such order for the inspection, by the creditors and contributories of the company, of its books and papers, as the court thinks just; and any books and papers in possession of the company may be inspected by creditors or contributories, in conformity with the order of the court, but not further or otherwise.

Power of assignee to sue.

*Forty-seventh*—Any person to whom anything in action belonging to the company is assigned in pursuance of this act, may bring or defend any action or suit relating to such thing in action in his own name.

Debts of all descriptions to be proved.

*Forty-eighth*—In the event of any company being wound up under this act, all debts payable on a contingency, and all claims against the company, present or future, certain or contingent, ascertained or sounding only in damages, shall be admissible in proof against the company, a just estimate being made, so far as is possible, of the value of all such debts or claims as may be subject to any contingency, or sound only in damages, or for some other reason, do not bear a certain value.

General scheme of liquidation may be sanctioned.

*Forty-ninth*—The liquidator may, with the sanction of the court, pay any classes of creditors in full, or make such compromise or other arrangement as the liquidator may deem expedient, with creditors, or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the company, or whereby the company may be rendered liable.

Power to compromise.

*Fiftieth*—The liquidator may, with the sanction of the court, compromise all calls and liabilities to calls, debts, and liabilities capable



capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the company and any contributory or alleged contributory, or other debtor, or person apprehending liability to the company, and all questions in any way relating to or affecting the assets of the company, or the winding up of the company, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon, with power for the liquidator to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts, or liabilities.

*Fifty-first*—When the company is being wound up, any attachment, sequestration, distress, or execution put in force against the estate or effects of the company, after the commencement of the winding up, shall be void to all intents.

Certain attachments, sequestrations, and distresses to be void.

*Fifty-second*—Any such conveyance, mortgage, delivery of goods, payment, execution, or other act relating to property, as would, if made or done by or against an individual, be deemed, in the event of his insolvency, to have been made or done by way of undue or fraudulent preference of the creditors of such individual, shall, if made or done by or against any company, be deemed, in the event of such company being wound up under this act, to have been made or done by way of undue or fraudulent preference of the creditors of such company, and shall be invalid accordingly; and, for the purposes of this act, the presentation of a petition for winding up a company shall be deemed to correspond with the act of insolvency in the case of an individual.

Fraudulent preference.

*Fifty-third*—When, in the course of the winding up of any company under this act, it appears that any past or present director, manager, or any officer of such company, or any liquidator appointed under this act has misapplied, or retained in his own hands, or become liable or accountable for any monies of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the court may, on the application of any liquidator, or of any creditor or contributory of the company, notwithstanding the offence is one for which the offender is criminally responsible, examine into the conduct of such director, manager, or other officer, or liquidator, and compel him to repay any moneys so misapplied or retained, or for which he has become liable or accountable, together with interest, after such rate as the court thinks just, or to contribute such sums of money to the assets of the company, by way of compensation, in respect of such misapplication, retainer, misfeasance, or breach of trust, as the court thinks just.

Power of court to assess damages against delinquent directors or officers.

*Fifty-fourth*



Prosecution of delin-  
quent directors, &c.

*Fifty-fourth*—If any director, officer, or contributor of any company, wound up under this act, destroys, mutilates, alters, or falsifies any books, papers, writings, or securities, or makes, or is privy to the making of any false or fraudulent entry in any register, book of account, or other document belonging to the company, with intent to defraud or deceive any person, every person so offending shall be deemed guilty of a misdemeanor, and, upon being convicted, shall be liable to imprisonment for any term not exceeding two years, with or without hard labour.

Penalty on falsifica-  
tion of books.

Prosecution of delin-  
quent directors or  
officers.

*Fifty-fifth*—When any order is made for winding up a company, if it appear, in the course of such winding up, that any past or present director, manager, officer, or member of such company has been guilty of any offence in relation to the company, for which he is criminally responsible, the court may, on the application of any person interested in such winding up, or of its own motion direct the liquidator or liquidators to institute and conduct a prosecution or prosecutions for such offence, and may order the costs and expenses to be paid out of the assets of the company.

Penalty of perjury.

*Fifty-sixth*—If any person, upon any examination upon oath, or affirmation authorized under this act, or in any affidavit, deposition, or solemn affirmation, in or about the winding up of any company under this act, or otherwise in or about any matter arising under this act, wilfully and corruptly gives false evidence, he shall, upon conviction, be liable to the penalties of wilful perjury.

#### APPLICATION OF THIS ACT.

Application of this act.

*Fifty-seventh*—This act shall apply to all companies incorporated under any act of the legislature of this island; all partnerships as bankers under any act of this island, authorized to sue by their public officer or otherwise; all mining and cost-book companies established under any act of this island, and all other companies whatsoever, limited or otherwise, which shall derive their powers under any act of this island, whether such corporations, partnerships, or companies have been, or shall be appointed, formed, or established under any present or future act of this island, save where such corporations, partnerships, or companies previously derived their powers under any statute of the united kingdom.



## C A P. XLIII.

*An act to amend the laws relating to the clergy.*

**W**HEREAS it is expedient to amend the laws relating to the clergy of this island, and to ecclesiastical discipline: *Be it therefore enacted by the governor, legislative council, and assembly this island, and it is hereby enacted by the authority of the same, as follows:*

Preamble.

## AS TO THE ISLAND STIPENDIARY CURACHES.

*First*—It shall be lawful for the governor, with the advice of the executive committee, by his warrant, to direct payment, out of the public treasury of this island, of any sum not exceeding the rate of one hundred and fifty pounds *per annum*, as part payment of the stipend of any stipendiary curate already appointed, or hereafter to be appointed: *Provided*, That a sum of not less than one thousand one hundred pounds *per annum* shall be paid and appropriated, out of funds now or at any time to be at the bishop's disposal, in aid and further payment of the said stipends in manner next stated; that is to say,

Governor, with advice of executive committee, to pay certain moiety of salaries to stipendiary curates.

Proviso as to limitation of gross amount.

	£.	s.	d.
To such four of the said curates as the governor and the bishop shall decide, at the rate of one hundred and fifty pounds <i>per annum</i>	600	0	0
To such four ditto ditto ditto, at the rate of one hundred [pounds] <i>per annum</i> each	450	0	0
To such one ditto ditto ditto at the rate of, <i>per annum</i>	75	0	0
To such one ditto ditto ditto at the rate of, <i>per annum</i>	25	0	0
	£1100	0	0

*And provided also*, That the number of such stipendiary curates shall always be kept up to the number of ten, and that they shall be removable from place to place, at the discretion of the governor and the bishop.

and number of stipendiary curates.

## PROCEEDINGS UNDER COMMISSIONS OF ENQUIRY.

*Second*—In every case in which a commission of inquiry is issued, all examinations and inquiries made by the said commission, in ac-

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cordance

Private examinations under "Clergy Discipline Act, 1888," may be made, if desired.

cordance with the provisions of the "*Clergy Discipline Act, 1858*," may be conducted in private, if so desired by the party accused.

Time for making rules  
extended.

*Third*—That the period allowed by the twenty-ninth section of the "*The Clergy Discipline Act, 1858*," for framing rules and regulations, in cases of appeal to the privy council, shall be, and the same is hereby further extended to the thirtieth day of June, one thousand eight hundred and sixty-five, and such rules may be, at any time thereafter, altered, added to, or amended.

#### AS TO REPEAL OF CLAUSES IN FORMER ACTS.

Sec. 14 of 23 Vic. cap.  
23, repealed.

*Fourth*—The fourteenth section of the "*Clergy Act, 1853*," (twenty-second Victoria, chapter three), shall be, and the same is hereby repealed.

#### C A P. XLIV.

#### *An act to extend the power of granting building or repairing leases of premises.*

Preamble.

**W**HEREAS by reason of the frequent occurrence of fires in the towns of this island of late years, and from other causes, much land in the several towns, suitable for building purposes, is either lying entirely waste, or the stores, houses, or buildings thereon are in such a state of dilapidation as to be untenanted, and unfit for use: *And whereas* it would tend not only to the advantage of parties interested in such land and premises, but also to the improvement of the island, if power to grant building or repairing leases were given or extended to the persons, and in the manner hereinafter mentioned: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Persons in possession  
of lands or houses em-  
powered to lease same  
for building purposes.

It shall be lawful for all tenants for life or in tail, in possession of, or in any such land and premises as aforesaid, and for the guardians, trustees, or committees of all tenants for life, or in tail, or in fee simple, who shall be infants, lunatics, idiots, or otherwise incapable of acting for themselves from time to time hereafter, by deed to be duly proved and recorded, to demise and lease the said land, premises, or any part thereof respectively, to any person or persons who shall improve the same by erecting or building thereon any new stores, houses, or buildings, or by rebuilding, repairing, enlarging, or improving any stores, houses, or buildings or the time being standing on the same land and premises, or any part thereof, or shall covenant or agree so to do within four years next after the date of such demise or lease for any term of years not exceeding twenty-one years,

Conditions of lease.



years, to take effect in possession, so as there be reserved on every such demise or lease the best yearly rent or rents, to be incident to the immediate reversion that can be reasonably gotten, without taking anything in the nature of a fine, premium, or foregift, and so as there be contained in every such demise, or lease, or condition of re-entry for non-payment within a reasonable time, [to] be therein specified, of the rent or rents thereby reserved, and so as the lessee or lessees do thereby covenant for the due payment of such rent or rents: *Provided*, That a peppercorn rent, or any smaller rent than the rent to be ultimately made payable, may be reserved and made payable during all or any part of the first five years of any such term as aforesaid.

Proviso as to payment  
of rent.

### C A P. XLV.

*An act for granting to her majesty certain sums of money, required for defraying certain expenses of the civil government, and certain other expenses connected with the public service, for the year one thousand eight hundred and sixty five.*

ANNUAL.





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THE

**ANNUAL LAWS OF JAMAICA**

OF

**THE SESSION OF 1864-65.**

[Being the Third Annual Session of the Twenty-Eighth Year of the Reign of  
Her Majesty Queen Victoria.]

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THE

# ANNUAL ACTS

OF

THE

THE SESSION OF 1844-45

## ANNUAL ACTS OF JAMAICA

Giving the Number of the Page on which each Act commences

THE SESSION OF 1844-45

### ANNUAL ACTS

(GIVEN BY PARLIAMENT)

### ANNUAL ACTS

(GIVEN BY PARLIAMENT)

THE ACTS OF PARLIAMENT

AND THE ACTS OF THE

GOVERNMENT OF JAMAICA

FOR THE YEAR 1844-45

AND THE ACTS OF THE

GOVERNMENT OF JAMAICA

FOR THE YEAR 1844-45

THE ACTS OF PARLIAMENT

AND THE ACTS OF THE

GOVERNMENT OF JAMAICA

FOR THE YEAR 1844-45

AND THE ACTS OF THE

GOVERNMENT OF JAMAICA



# T H E A N N U A L A C T S

O F

T H E S E S S I O N O F 1864—65 :

*Shewing the Number of the Page on which each Act commences.*

## A N N U A L A C T S.

[Passed 22d December, 1864.]

CAP.	PAGE.
7.	1
8.	2

[Passed 21st February, 1865.]

CAP.	PAGE.
32.	2
45.	3





THE  
ANNUAL LAWS OF JAMAICA.

ANNO REGNI VICESIMO OCTAVO VICTORIÆ.

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C A P. VII.

*An act to continue in force, for a limited period, the acts of the eighteenth Victoria, chapter sixteen, and twenty-first Victoria, chapter twenty-one.*

**W**HEREAS the registrar in chancery's act, eighteenth Victoria, chapter sixteen, and the act in extension thereof, twenty-first Victoria, chapter twenty-one, will expire on the thirty-first day of December, one thousand eight hundred and sixty-four, and there not being time, previous to the adjournment of the legislature, which will shortly take place, to pass a complete and perfect law in lieu of the expiring acts: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same.* That the said expiring acts of the eighteenth Victoria, chapter sixteen, and twenty-first Victoria, chapter twenty-one, shall be, and are hereby continued in force until the thirty-first day of March, one thousand eight hundred and sixty-five.

Preamble.

Expiring acts of 18  
Vic. cap. 16, and 21  
Vic. cap. 21, continued  
in force till 31st March,  
1865.

## C A P. VIII.

*An act to continue in force, for a limited period, "The Public Audit Act, 1857," (twenty-first Victoria, chapter one.)*

Preamble.

Expiring act of 21 Vic.  
cap. 1, continued in  
force till 31st March,  
1865.

**W**HEREAS "The Public Audit Act, one thousand eight hundred and fifty-seven," of the twenty-first Victoria, chapter one, will expire on the thirty-first day of December in the present year; and there not being time, previous to the adjournment of the legislature, which will shortly take place, to pass a complete and perfect law in lieu of the expiring act: *Be it enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same,* That the said expiring act of the twenty-first Victoria, chapter one, shall be, and is hereby continued in force until the thirty-first day of March, one thousand eight hundred and sixty-five.

## C A P. XXXII.

*An act to provide for the registrar in chancery and clerk of the patents an annual salary in lieu of fees.*

**B**E it enacted by the governor, legislative council, and assembly of this island:

Interpretation.

*First*—That the term "registrar," shall mean the registrar of the court of chancery and clerk of the patents.

Original proceedings  
in chancery to be  
bound in a book at  
the public expense.

*Second*—All original proceedings in chancery shall be fairly and legibly written or printed upon paper of such size and description, and in such manner as shall, by any order for that purpose, be directed, so that the same may from time to time be bound up together; and the registrar shall, from time to time, cause all such original proceedings, filed in his office, and all writs and other proceedings returned thereto, to be well and substantially bound up in due and convenient order, and the expense thereof shall be paid out of the public monies, on the warrant of the governor, upon the production of the certificate of the registrar.

## FEES.

Documents to be im-  
pressed with stamps.

*Third*—In lieu of the fees heretofore chargeable, there shall be impressed the following stamps, in addition to those prescribed by the stamp act, on the undermentioned documents:

On



£. s. d.

On each proceeding in chancery three pence per sheet of every one hundred and sixty words, reckoning each figure for a word.

On copies of all proceedings in chancery at the rate of one shilling *per* sheet of one hundred and sixty words as aforesaid.

On every order of court recorded, not exceeding one hundred and sixty words	-	0	1	6
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For every sheet over and above the first, at the rate of		0	1	0
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Each suggestion, replication, and rejoinder		0	2	3
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On each petition to the chancellor	-	0	9	6
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On each appearance	-	0	0	9
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Certificate of no proceedings, and all other common certificates, each	-	0	1	0
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On each master's or solicitor's bill for taxation		0	15	0
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On each final decree enrolled	-	0	15	0
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A certificate of appeal to proceedings under island seal		0	15	0
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Letters of guardianship (exclusive of the governor's fee)	1	5	0	
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Satisfaction on final decree	-	0	3	0
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Amendment of bill or cause petition		0	3	0
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Rule of court	-	0	5	0
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Rule for carrying records into court	-	0	2	0
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On each commission	-	0	7	6
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Dedimus to take an answer	-	0	7	6
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On each subpoena, <i>per</i> rate of legal sheet		0	1	0
--	--	---	---	---

Attachment	-	0	1	6
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Attachment with proclamation	-	0	3	0
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Sergeant at arms on sequestration	-	0	7	6
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On each subpoena, writ of <i>scire facias</i> , of execution, of assistance, of " <i>ne exeat insula</i> ," of <i>habeas corpus</i> , of error, of injunction, of <i>supercedeas</i> , of election, or other special writ		0	15	0
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	£.	s.	d.
A writ of <i>certiorari</i>	0	3	0
A writ of appointment of bailiff to the crown	3	15	0
A protection bond, making out and signing a protection, including the order and all other charges; each other customary bond, each recognizance, each commission <i>de lunatico inquirendo</i> , of oyer and terminer, also a patent of pardon	0	15	0
A patent of crown land	0	15	0
For land taken up on the quit rent	1	2	6
For land escheated	1	10	0
For confirmation	1	10	0
A copy of a plat of land	0	1	6
A copy of the surveyor's return to the plat	0	1	6
Entering a caveat	0	1	6
A citation to shew cause against the same	0	3	0
A certificate of each parcel of land resigned	0	3	0
A patent for surplusage land, also for foot land not included in the old table, fifteen shillings each.			

Registrar to enter fees received in stamps, enter accounts of filings, also receipts and disbursements of offices, and render monthly account on oath to receiver-general of stamps passing through his hands.

*Fourth*—The registrar shall enumerate and enter the fees so received in stamps, without any omission, on the file paper and file book, in a separate column from the minute of the stamps impressed on each proceeding under the stamp act, and shall keep a book in his office open to public inspection, wherein shall be entered the accounts of the filings, and of the receipts and disbursements of the said office, and shall sign the same at the end of each week, and shall, at the end of every month, render an account to the receiver-general of this island of all stamps passing through his office, and classified as aforesaid, to be accompanied by the following declaration before a justice of the peace:

Oath.

*I, A. B. registrar in chancery and clerk of the patents, do declare that the above account contains a true statement of all stamps which have been received by or on account of the said offices under the stamp act, and the act substituting additional stamps in lieu of fees to the registrar respectively, from the day of to the day of as specified in the said account.*

*Declared before me, this*

*day of*

A. B.  
186  
PENALTIES



## PENALTIES FOR DEFAULT.

*Fifth*—If the registrar shall omit to render such account and declaration as herein directed, within ten days after the end of each month, or shall make a false declaration, he shall, for every such offence, wilfully done and committed, be subject to a penalty of two hundred pounds, to be recovered in the supreme court of judicature of this island, by action of debt, one moiety whereof shall be to the use of her majesty, her heirs and successors, for and towards the support of the government of this island, and the other moiety to him or them who shall sue for the same.

Penalties for default.

## INCAPACITY TO HOLD OFFICE.

*Sixth*—If the registrar shall divert any of the stamps so received, or shall fail to cancel and obliterate the same, or shall otherwise fraudulently misdeemean himself, or be guilty of any misconduct in his said office, he shall, after conviction for such offence, in addition to the said penalty of two hundred pounds, be deprived of his said office, and be thereafter incapable of being appointed to any public office whatever: *Provided*, That such conviction, pains, and penalties, shall not exempt him from the operation of the act for the punishment of breaches of trust and frauds.

Incapacity to hold office in case of fraudulent conduct.

Proviso.

## FILING PROCEEDINGS.

*Seventh*—The registrar shall file all proceedings duly stamped, and written on paper of the size and description prescribed by the rules of the court, which shall be brought to his office for that purpose.

Registrar to file proceedings.

## ALL COPIES ORDERED TO BE TAKEN OUT.

*Eighth*—Every person bespeaking appeal papers, or copies of any papers filed in the office of the registrar, shall take out and pay for the same within ten days after information given by the registrar of their being ready, under a penalty not exceeding sixty pounds for every neglect, to be recovered by action of debt in the supreme court, and to be paid to the use of the government of this island; and papers or copies so bespoken shall, with all due and reasonable diligence, be delivered out to the persons entitled thereto.

Appeal papers bespoken to be taken out, under penalty.

## SALARY OF THE REGISTRAR.

*Ninth*—The registrar now in office shall receive a salary at the rate of six hundred pounds *per annum*, by monthly or quarterly payments, on the warrant of the governor.

Registrar's salary.

## EMPLOYMENT

## EMPLOYMENT OF CLERKS—CONTINGENCIES.

Charge to be made for copies of proceedings required, and for contingencies of office.

*Tenth*—The registrar shall be entitled to charge for copies of proceedings and records, required by suitors or other persons, at and after the rate of four pence half-penny for every one hundred and sixty words or figures contained therein; and he shall also be entitled to receive the annual sum of thirty-six pounds for all contingent expenses of his office, monthly or quarterly, as shall be determined by the governor for the time being.

## SECURITY.

Registrar to enter into bond with sureties.

*Eleventh*—Within twenty days from the day of his appointment, the registrar shall enter into bond before one of the judges of the supreme court, himself in the sum of one thousand pounds, and one or two sureties in the further sum of one thousand pounds, conditioned for the due and faithful discharge of the duties of his office.

## QUALIFICATION.

His qualification for office.

*Twelfth*—Any person to be appointed to the office of registrar shall be a barrister of three years, or a solicitor of six years' standing in this island.

## REGISTRAR NOT TO PRACTISE.

He is not to practice as a pleader, &c.

*Thirteenth*—The registrar, while acting as such, shall not practise in any court in this island, nor as a conveyancer, pleader, or legal adviser.

## REGISTRAR'S CLERK.

Is to employ a clerk at £300 per annum to assist him in his duties.

*Fourteenth*—The registrar shall employ an efficient clerk to assist him in the ordinary duties of the office, in receiving, filing, and preserving the records thereof, in entering up and recording the orders of the court, in keeping the file paper, and book of filings, and the several necessary and accustomed books of indices, and alphabets of the records and proceedings, and in preparing and making copies of all necessary and requisite documents issuing out of the said office; and the clerk shall receive a salary at the rate of three hundred pounds *per annum*.

and to tax masters in chancery's and solicitor's bills, &c.

*Fifteenth*—That the registrar and clerk of the patents shall, until otherwise provided by the legislature, tax and allow to the several masters of the high court of chancery of this island, the fees and charges set down in the schedules A and B, annexed to the island statute, thirteenth Victoria, chapter nineteen, and shall also tax and allow to the several solicitors in the court of chancery of this island the fees and charges at the rates specified, and according to the amounts



amounts set down in the schedule annexed to the island statute sixth Victoria, chapter twenty-three, in so far as they are respectively applicable.

#### OATH OF OFFICE.

*Sixteenth*—Within ten days from the day of their respective appointments, the registrar and his clerk shall respectively appear before one of the judges of the supreme court, and take the following oath:

Oath to be taken by registrar and his clerk,

*I* registrar (or clerk in the office of the registrar) in chancery and clerk of the patents, do solemnly and sincerely swear, that I will well and truly perform and discharge all the duties of registrar (or clerk) as aforesaid, and that I will preserve the public revenue to the utmost of my power.—So help me God.

And a memorandum thereof in writing shall be prepared and certified by the judge, and lodged in the office of the clerk of the crown; and on production thereof in any court of justice the same shall be deemed and considered sufficient evidence of an oath having been taken, without further proof thereof.

which is to be certified by a judge, and lodged in clerk of the crown's office, &c.

*Seventeenth*—That it shall be the duty of the registrar to take down, in open court, in a book to be for such purpose by him kept, a minute of the decretal order or judgment of the court, upon any order being made, or judgment given in court in any suit; and such minute shall bear date, and be signed by the registrar as of the day when it was taken down; and such minute, so taken down, dated and signed by the registrar as such, shall be read out to the parties in court, and shall, unless corrected by the court within ten days after such minute is taken down, be deemed to be the basis on which such decretal order or judgment is to be entered up in the suit.

Registrar to take down decretal order, &c. in a book,

which shall be read in court, and, if not corrected, deemed basis of order or judgment in the suit.

*Eighteenth*—The office hours of the chancery office shall be from nine in the morning until three in the afternoon of each day; and, during those hours, the registrar or the clerk shall be in attendance to answer the calls of persons having business in the said office; and, on the days of the arrival and departure of the posts from the country, the registrar shall be in attendance to answer the requirements of suitors.

Office hours, and attendance.

*Nineteenth*—The second section of the sixtieth George third, chapter twenty-one, is hereby repealed.

60th Geo. 3, cap. 31, repealed.

*Twentieth*—Notwithstanding the expiry of the acts of eighteenth

Acts commenced or done, &c. under 18th

Vic. cap. 16, and 21st  
Vic. cap. 21, to remain  
in force.

teenth Victoria, chapter sixteen, and twenty-first Victoria, chapter twenty-one, any act or matter done, or commenced, or interest acquired, or liability incurred under, or offence committed against any provision of either of such acts, shall remain in force, and may be enforced under the said acts.

Duration of act.

*Twenty-first*—That this act shall continue in force till the thirty-first day of March, one thousand eight hundred and sixty-six.

### C A P. XLV.

*An act for granting to her majesty certain sums of money, required for defraying certain expenses of the civil government, and certain other expenses connected with the public service, for the year one thousand eight hundred and sixty-five.*

Preamble.

**W**E, your majesty's dutiful and loyal subjects, the assembly of Jamaica, towards making good the supply which we have granted to your majesty in this session, have resolved to grant unto your majesty the sums hereinafter mentioned, which are required to defray certain expenses of the civil government of this island, not otherwise provided for by law, and for other purposes, for the year one thousand eight hundred and sixty-five; and do therefore most humbly beseech your majesty that it may be enacted: *Be it therefore enacted by the governor, legislative council, and assembly of this island, and it is hereby enacted by the authority of the same, as follows:*

Receiver-general to  
pay sums set forth in  
schedule.

*First*—The receiver-general of this island do, from and out of any moneys in his hands, pay and apply a sum not exceeding twenty-six thousand and sixteen pounds and ten pence (and other sums of money hereinafter provided to be paid, but the amounts of which are not yet ascertained), for defraying the several charges and expenses of the civil government of this island, and other purposes, for the year one thousand eight hundred and sixty-five, set forth in the schedule to this act.

Detailed account of  
moneys expended under  
this act to be laid  
before the assembly.

*Second*—A detailed account of all the moneys expended under the authority of this act shall be laid before the assembly of this island during the first fifteen days of the session of the legislature next after such expenditure.

SCHEDULE.



## SCHEDULE.

*Sums Granted to her Majesty by this Act, and the Purposes for which they are Granted.*

	£.	s.	d.
For the pay of twenty additional policemen for Kingston, the sum of -	670	0	0
To pay for vaccination, the sum of, say	2000	0	0
To carry out provision for new vaccination bill, nine months, at one thousand pounds <i>per annum</i> - -	750	0	0
For salary of a secretary of volunteers, the sum of -	75	0	0
For paying to the members of the executive committee, to meet disbursements on account of the "Lepers' Home," the sum of	1000	0	0
For paying to the honorable Charles M'Larty Morales, in consideration of his eminent services performed to the colony for the long and important period during which he has, with so much ability and integrity, presided in the chair of the house, the sum of	1500	0	0
For procuring arms for the police, the sum of	500	0	0
For paying to John James Vidal, esquire, registrar of the diocese for recording returns of baptisms, marriages, and burials, and for other services, the sum of	104	9	0
Towards purchasing a burial ground in the parish of Westmoreland, the sum of	50	0	0
For paying to the reverend D. R. Fidler, in remuneration for his services in discharging the duties of Saint Paul's curacy, Westmoreland, for six months prior to his appointment to an island curacy, <i>videlicet</i> from the seventeenth March to twelfth September, one thousand eight hundred and sixty-one, the sum of	150	0	0
For paying to the reverend A. H. Seymour, for his services in discharging the duties of the			

B

rector

	£.	s.	d.
rector of Manchester for the month of March, one thousand eight hundred and sixty-four, the rector not having been inducted, the sum of	13	7	4
For paying to Alexander Wells Aikman, solicitor to the crown, for law business performed, the sum of	363	13	6
For paying to W. Silvera, being the amount of his account against the public as deputy mar- shal, for taking debtors to be bailed, the sum of	31	0	6
For paying to I. Silvera, being the amount of his account against the public as deputy marshal, for taking debtors to be bailed, the sum of	1	16	0
For paying additional rents of police stations at Annotto-Bay, the sum of twenty-five pounds; and Four Paths, the sum of forty-two pounds ten shillings, making together the sum of	67	10	0
For paying additional rents of police station at Kingston, the sum of	60	0	0
For repairs to the lock up at Old Harbour, the sum of	50	0	0
For furniture supplied the medical superintendent of the lunatic asylum, the sum of	12	2	6
For paying to the medical superintendent of the lunatic asylum, for defraying the rent of a house, the sum of	60	0	0
For paying to Mrs. Barnett, in consideration of upwards of seventeen years in the service of the public hospital as matron, and always found careful, painstaking, and correct in the per- formance of her duties, but now from age phy- sically inactive, and unequal to a continuance in that office, and without the means of subsist- ence otherwise, the sum of	25	0	0
For paying to the contractor for public printing, for lithographs of plans in Mr. Hawkshaw's report on the tramway, the sum of	50	0	0
For			



	£.	s.	d.
For educational purposes, the sum of	3250	0	0
Towards obtaining the services of an inspector of schools, additional to the two hundred and fifty pounds under the competitive examination act, twenty-fifth Victoria, chapter six, the sum of	250	0	0
For paying contract advertisements in the several newspapers of the island, and other printing not under contract, the sum of	400	0	0
For printing bills sent to the legislative council, the sum of	60	0	0
For paying to the reverend W. Stearn, in consideration of his long and most deserving services, to enable him to obtain change of climate, on leave of absence, for the benefit of his health, the sum of	200	0	0
For defraying the travelling expenses of the inspector of prisons, the sum of	67	10	0
For militia, and for volunteer purposes, the sum of	1400	0	0
For keeping the public buildings in order for the year one thousand eight hundred and sixty-five, the sum of	600	0	0
For paying to the reverend A. S. Darrell, for his services as stipendiary curate, from the thirteenth March to thirtieth September, one thousand eight hundred and sixty-four, the sum of	80	4	10
For paying to Isabella M'Ghie, upon the terms and conditions required by the eightieth clause of the fiftieth George the third, chapter seventeen, passed to regulate the militia, upon a certificate being produced, signed by the rector, churchwardens, and members of the parish, or any two of them, that she is alive, the sum of	33	12	0
For paying to James Popkin, late a policeman, by quarterly payments, provided his receipt shall be accompanied by a medical certificate that he			

	£.	s.	d.
continues blind, and is incapable of earning his livelihood, the sum of	24	0	0
For paying to Ann Lumsey, in consequence of the injury she sustained by a gunshot wound, which she received in December, one thousand eight hundred and forty-one, at the riot in Kingston that month, while in the performance of her peaceable avocations, and that such sum be paid annually, on its being certified by the rector and churchwardens that she is alive, the sum of	8	0	0
For paying to the representatives of the estate of the late John Daughtrey, being so much of the annuity that became due to him at the date of his decease, the sum of	25	0	0
For paying to Mrs. Taylor, in consideration of her long services, for many years, as a domestic at king's house, and being now incapacitated by illness, and age, and infirmity, the sum of	25	0	0
As an additional grant for clerks and contingencies in the treasury and audit offices, the sum of	300	0	0
For the services of a clerk in the stamp office, the sum of	150	0	0
For the services of an additional clerk in the rum duty department, the sum of	150	0	0
For postages and contingencies in the rum duty department, the sum of	100	0	0
For the services of a landing waiter, or other officer for protection and collection of her majesty's revenue at Dry Harbour, in the parish of Saint Ann, at the rate, <i>per annum</i> , the sum of	150	0	0
For the services of a landing waiter, or other officer for protection and collection of her majesty's revenue at Alligator Pond, in the parish of Manchester, for nine months, the sum of	150	0	0
For paying to the committee of the Roman Catho-			lies



	£.	s.	d.
lies of the county of Cornwall, and leeward portion of the county of Middlesex, or any two of them, towards affording religious instruction to the Roman Catholics, for the year one thousand eight hundred and sixty-four, the sum of	100	0	0
For payment of services performed by the crier of the supreme court, the sum of	20	0	0
For paying the water-police in the city of Kingston, employed and to be employed in aid of the Kingston division of police, with the powers and authorities, and subject to the provisions of "The Police Act, 1861," <i>videlicet</i> :			
Two corporals, at two shillings and six pence <i>per diem</i>	£91	5	0
Four privates, at two shillings <i>per diem</i>	146	0	0
Four privates, at two shillings for next year's salary	120	0	0
	357	5	0
For payment of services rendered by the inspector of police in superintending the water-police in Kingston, for the year one thousand eight hundred and sixty-four, and sixty-five, the sum of	25	0	0
For contingencies of the water-police in the city of Kingston, the sum of	52	10	0
For paying to Richard A. Leake, in consideration of twenty-seven years' service and meritorious conduct in the Jamaica police force, the sum of	120	0	0
For the contingencies of the legislative council, the sum of	300	0	0
For paying to Robert Osborn, esquire, as chairman of committees of the house of assembly, and for examining bills ordered by the house to engrossed during the present session, the sum of	200	0	0
For paying to James Philip Clarke, two hundred			and

£. s. d.

and forty pounds; James Gayleard, two hundred and forty pounds; and William George Macfarlane, two hundred and forty pounds, for their services as committee clerks, on the terms and conditions mentioned in, and agreeably to the amended report on the clerk's office, agreed unto by the house on the tenth December, one thousand eight hundred and six-one 720 0 0

For paying to the clerk of the assembly, to reimburse himself for contingencies of office, the sum of eighty pounds; and also for paying to the said clerk to the assembly, to defray the expense of stationery and postages, the sum of sixty pounds, agreeably to the amended report on the clerk's office, agreed unto by the house on the tenth December, one thousand eight hundred and sixty-one 140 0 0

For paying quarterly, on the certificate of his honor the speaker, to Alexander Deleon, for salary as messenger to the house, for his care of the public buildings, and the upper part of the new buildings; as also for his care of the robes, and mace, and furniture in the new buildings, and hire of servants to attend the house for the year one thousand eight hundred and sixty-five, the sum of 260 0 0

For paying to Alexander Deleon, junior, for his attendance on the members of the house, the sum of 30 0 0

For paying to William Halliday, for his attendance on the members of the house, the sum of 30 0 0

For paying to Henry Deleon, for his attendance on the members of the house, the sum of 20 0 0

For paying to James Deleon, for his attendance on the members of the house, the sum of 20 0 0

For paying to Samuel Tucker Webley, for his services as doorkeeper to the assembly, the sum of 35 0 0

For



	£.	s.	d.
For paying to the executive committee, for candles, ice, and oil, and for the lighting up of the assembly rooms during the present session, the sum of -	100	0	0
For keeping in repair the assembly clock for one year ending the thirty-first October, one thousand eight hundred and sixty-four, the sum of -	15	0	0
For paying to the library committee, for the purchase of books, and other contingencies of the library for the year one thousand eight hundred and sixty-five, the sum of	100	0	0
For the purchase of the British parliamentary debates for the assembly, the sum of	30	0	0
For salary to a clerk to the executive committee, the sum of -	175	0	0
For the services of additional clerks to the executive committee, the sum of	175	0	0
For additional salary to the three clerks in the executive committee office, the sum of	100	0	0
For additional salaries to the clerks in the audit office, the sum of -	100	0	0
For unforeseen expenditure, the sum of	200	0	0
For the pay of the non-commissioned officers and gunners employed in cleaning and repairing the island arms, the sum of	50	0	0
For supporting the Milk River Bath, in addition to the sum granted by law, the sum of	144	0	0
For supporting the Bath of Saint Thomas the Apostle, and to be applied exclusively to that institution, and without reference to the Botanic Garden, the sum of -	144	0	0
For paying the salary of the island botanist, as well for the performance of the duty of island botanist at Bath as for the performance of the duty of island botanist at Castleton, the sum of	300	0	0
	For		

	£.	s.	d.
For paying the salary of an assistant gardener to the Botanic Garden, and for lodging money, the sum of	110	0	0
For the rent of a piece of land belonging to the Titchfield trust, the sum of	9	0	0
For the purchase of additional book cases for the library of the assembly, and for meeting the cost of repairs to the furniture of the house and library, and for providing sundry articles of furniture for the use of the house and library, the sum of	150	0	0
For paying to the elders and members of the church of Scotland, as by law established, or any three of them, in aid of that institution, for the year one thousand eight hundred and sixty-four, provided that a return of the expenditure of the same be made into the office of the clerk of the assembly before the next session, the sum of	367	10	0
For paying the salary of the island storekeeper, the sum of	144	0	0
For paying to the estate of the late honourable Walter George Stewart, island secretary, being the balance of account for recording the laws, for furnishing the contractor for printing the laws with copies of the same as they severally passed the legislature, and for other services, the sum of	45	4	9
For paying to the honorable Samuel Rennalls, island secretary, for recording the laws, for furnishing the contractor for printing the laws with copies of the same as they severally passed the legislature, and for other services, the sum of	113	19	6
For the maintenance of the botanic garden at Castleton, the sum of	187	0	0
For the introduction of plants for the botanic garden at Castleton, the sum of	100	0	0
For			



	£.	s.	d.
For paying to the honorable Charles Hamilton Jackson, Francis Robertson Lynch, and Andrew Henry Lewis, esquires, to be by them expended for gardens in front of the public buildings and legislative council chamber, and for keeping up the same for the year one thousand eight hundred and sixty-five, the sum of	30	0	0
For the purpose of defraying the personal and travelling expenses of geologists and mineralogists employed by her majesty's government for the geological survey of this island, the sum of	577	15	9
For incidental expenses incurred in conducting the geological survey, one thousand eight hundred and sixty-four, the sum of	31	17	0
For paying to the executive committee, to be by them paid to Augustus Constantine Sinclair, for compiling and publishing the debates in the assembly and legislative council; provided that the publication of such debates takes place within six months after the termination of the session, and that the executive committee be authorized to make such advances as may seem to them necessary, the sum of	300	0	0
For defraying expenses of forwarding contract copies of Laws, and annual Votes of legislative council, and Votes of assembly to members of the legislature, and other parties entitled to them, the sum of	30	0	0
In aid of the Metcalfe dispensary, on condition that a report be sent to the assembly, shewing the expenditure of the amount, the sum of	150	0	0
In aid of the Saint George's alms-house, Kingston, the sum of	30	0	0
In aid of the alms house, in connection with the Kingston parish church, the sum of thirty pounds; and in aid of alms house original object, the further sum of twenty pounds, making together	50	0	0
For the purchase of premises for the Kingston	C	alms	

	£.	s.	d.
alms house, provided the title be taken in the name of the public, the sum of	60	0	0
For paying to the managing committee of the Kingston nurse training institution, in aid of the said institution, the sum of	200	0	0
In aid of the reformatories, and to be appropriated as follows :—			
For pay of a master at the rate not exceeding	£200	0	0 <i>per annum</i>
To aid in the erection of additional buildings to the boys' reformatory	260	0	0
In aid of repairs to the buildings of the girls' reformatory	100	0	0
		500	0 0
For paying to Mrs. Casteel, widow of the late H. Casteel, in consideration of the injuries received by her late husband in the works on the Kingston and Annotto-Bay junction road, the sum of		12	0 0
For paying to James Gibson, in consideration of the entire loss of sight, occasioned by an accident while he was engaged blasting rocks in the repairs of the public roads, the sum of		12	0 0
For paying to Alexander Mitchel, late superintendent of the Saint Catherine district prison, in consideration of his age, and length of service, the sum of		25	0 0
For refunding to J. Ellis, amount of duty paid erroneously on the personal baggage of his wife, the sum of		5	13 4
Towards the surveying, and working, and opening out of roads in Saint Elizabeth and Trelawny, the sum of	300	0	0
For supplying water buoys in the harbour of Falmouth, the sum of	11	2	6
For			



	£.	s.	d.
For supplying piles in the harbour of Kingston, the sum of	55	6	10
For paying to the honorable Charles Clement Bravo, or his agent, being the amount of the queen's purse, run for at the Falmouth races on the fourth April, one thousand eight hundred and sixty-four, and won by his horse "Defence," payment of which sum has been withheld in consequence of the race being run six days after the time originally fixed, and it being hereto- fore impracticable to procure the necessary le- gislative sanction for the alteration of the day	105	0	0
For paying to the executive committee, on account of John Augustus Sullivan, esquire, provost- marshal general, for warning jurors for the se- veral courts of assize for the year one thousand eight hundred and sixty-four, for fees in the counties of Surrey, Middlesex, and Cornwall on releasements and commitments of prisoners and debtors, and taking insolvents to be bailed, to the thirtieth September, one thousand eight hundred and sixty-four, the sum of	242	2	0
For paying to Roger Swire, esquire, crown sur- veyor, Middlesex, for certain surveys, journeys, searches, &c. in respect to crown lands, the sum of	27	11	0
To provide balance unpaid on contract for the erection of Martha Brae bridge, the sum of	145	0	0
For paying to James Benthorne, in addition to his salary as superintendant of the district prison at Mandeville, in the parish of Manchester, at the rate, <i>per annum</i> , the sum of	20	0	0
For paying to his honor the Speaker, for taking care of the stalls belonging to the assembly, in the cathedral, the sum of	5	0	0
In aid of the royal agricultural and royal society of arts in this island, the sum of	100	0	0
For paying to the reverend doctor Bradshaw, for C 2			amount

	£.	s.	d.
amount of stipend from sixth June to twenty-fifth August, one thousand eight hundred and sixty-four, lapsed in consequence of not having been drawn before the termination of the financial year, the sum of	34	12	5
For the purposes of reimbursing the fund for repairs of king's house, being the cost of patent tiles imported and on hand, applicable to other public buildings, the sum of	361	16	4
For making good the excess in the repairs of king's house, the sum of	224	3	0
For paying to Thomas Patrick Kidd, superintendent of the Falmouth district prison, as an increase of salary for the year one thousand eight hundred and sixty-five, the sum of	50	0	0
For paying to the reverend Aubrey Spencer Darrell, for performing the duties of stipendiary curate at Saint Alban's and Mount Hermon, in the parish of Saint Elizabeth, from the second November, one thousand eight hundred and sixty-three, to the thirteenth March, one thousand eight hundred and sixty-four, without receiving any remuneration for such duties, the sum of	54	11	9
For paying to the honorable Hugh Anthony Whitelock, executor of John H. B. Bowen, on the said Hugh Anthony Whitelock producing to the receiver-general the reliefs for taxes due by his testator, amounting to the sum of eleven pounds thirteen shillings and six pence, the sum of	25	0	0
For paying to the directors of the Milk River Bath, for the erection of a house for the matron of that institution, the sum of	200	0	0
For paying to James Allwood, being the balance due for preparing, pursuant to the resolution of the assembly of the fourth of January and the fourteenth of June, one thousand eight hundred and sixty-four, a case for the opinion of counsel in England, with reference to the im-			
prisonment			



	£.	s.	d.
prisonment of Mr. Ewart, and the rights and privileges of the assembly, the sum of	68	12	3
For paying to the executive committee, for the purpose of preparing an index of the laws practically in force in this island, the sum of	150	0	0
For paying to John Ashley Lord, inspector of police, in consideration of his having sustained severe bodily injury, whereby a chronic disease was induced, which has rendered him incapable of performing his duties, the sum of	120	0	0
For paying to Robert MacPherson, as remuneration for increased duties as superintendent of the district prison, Morant Bay, the sum of	20	0	0
For paying to the magistrates and vestry of Manchester, to defray the liabilities incurred by the reverend Charles Angel in erecting Porus church, in the parish of Manchester, the sum of	208	13	1
For paying to the commissioners of roads and bridges of the parish of Saint Catherine, to enable them to carry into effect the report made to the governor and executive committee, by Mr. Parry, assistant island engineer, in relation to the bridge over the Rio Cobre, at the Angels' fording, and which was carried away by the flood of May, one thousand eight hundred and sixty-four, the sum of	300	0	0
For paying to the reverend William Hylton, rector of Saint John, to enable him to meet the salary of a substitute, which is rendered indispensable in consequence of his precarious state of health, and in consideration of his long services as a minister of the church, standing over a period of thirty-seven years, the sum of	150	0	0
For paying to Lewis E. Sinclair, for his services in surveying and taking the levels of the line of tramroad from Port-Maria to Nonsuch estate, the sum of	30	0	0
For paying to Adam Copland, being the amount expended by him in the support and maintenance			

nance

£. s. d.

nance of Alfred Seaton Myers, who was in his custody as deputy-marshal under a writ, being at the time impossible, owing to the state of the weather, to carry the said Alfred Seaton Myers to prison, the sum of - -

8 0 0

For paying to the reverend Victor Herschel, being the amount expended by him in the extension and repairs of the Bath church in Saint Thomas in the East, under the sanction and with the approval of the building committee, the sum of - -

264 13 8

For paying to the minister of the Grateful Hill chapel, in the parish of Saint Thomas in the Vale, in aid of the erection of the said chapel, the sum of -

150 0 0

For paying to the building committee of Saint Andrew, for completing Saint Christopher's chapel, in Saint Christopher's district, the sum of -

200 0 0

For paying to Lewis Hoffman, late island chemist, to aid him to leave the island, he having lost his appointment as such island chemist by the expiry of the act under which he held such appointment, and not having the means of carrying out his object, the sum of -

100 0 0

For paying to George William Gordon, esquire, being the value of fifty gallons of rum, part contents of a cask originally bonded to messieurs George Solomon and company, in the bonding warehouse of Kingston, and subsequently transferred to the said George W. Gordon, as containing seventy-seven gallons, but which, on delivery, was found to contain only twenty-two gallons, such deficiency having occurred while the rum was in the bonded warehouse, the sum of -

13 15 0

To Smith Gaynor, of the parish of Saint James, annually, in consideration of the wounds received by him in the rebellion of one thousand eight hundred and thirty-one, whilst serving

in



in the militia of this island, and his inability,  
in consequence, to support himself in his old  
age, the sum of

£. s. d.		
	10	0 0
<hr/>		
£26,016	0	10

*Third*—That authority be given to the executive committee to meet the payment of the interest which fell due on the thirty-first day of December, one thousand eight hundred and sixty-four, on the main road loans taken up under the acts twenty-first Victoria, chapter thirty-four, and twenty-fourth Victoria, chapter twenty-six, and not exceeding the sum of two thousand six hundred and fifty-one pounds, out of the general revenue, but to be repaid out of the main road revenue of the present financial year.

Executive committee to meet payment of interest which fell due on main road loans, to be repaid out of main road revenue of present year.

*Fourth*—That the receiver-general, and the officers of her majesty's customs, be authorized to admit, free of duty, all machinery necessary for gas works, and coals for manufacturing gas for the erection of gas works in the city of Kingston.

Machinery and coals for gas works to be admitted duty free.

*Fifth*—That the receiver-general be directed to pay the fees for stamping the bill for the erection of gas works in the city of Kingston, required by the twenty-first Victoria, chapter twenty-six.

Receiver-general to pay fees on gas works bill.

*Sixth*—That the balance of the sum of two hundred pounds, voted and unexpended for repairing lock ups and police stations in the parish of Vere, under the act of the twenty-sixth Victoria, chapter twenty, be transferred and added to the amount of the fund for rebuilding Kemp's Hill chapel, in the same parish.

Balance of unexpended money for repairing lock-ups in Vere, transferred to amount for rebuilding Kemp's Hill chapel, in said parish.

*Seventh*—The receiver-general is hereby authorized, on the warrants of the governor, with the advice of the executive committee, to remit to London, for payment there, the several sums to fall due for interest on the thirtieth June, and thirty-first December next, on the coupons of debentures under island loan acts, held by persons out of this island.

Interest on debentures to fall due in June and December next, to be remitted to London.

*Eighth*—That with reference to the resolution of the assembly of the sixth December last, in the matter of the colonization and back passage fund appropriation for the current financial year, the receiver-general is hereby authorized, on the warrant of the governor, with the advice of the executive committee, to carry to the credit of the general revenue, in reimbursement of so much of the sum of six thousand and thirty-nine pounds, appropriated to account

Receiver-general to carry to credit of general revenue, in reimbursement thereof, certain monies appropriated for immigration purposes for year ending 30th Sept. 1865, &c.

count of the said colonization and back passage fund, the sum of four thousand pounds provided by the eighteenth section of the twenty-fourth Victoria, chapter sixteen, for immigration purposes for the year ending thirtieth September, one thousand eight hundred and sixty-five, a sufficient sum, exclusive of such amount of four thousand pounds, being otherwise to the credit of the immigration fund, to meet all the requirements for immigration purposes during the financial year, one thousand eight hundred and sixty-four and sixty-five.





